

"Halacha Sources" Highlights - Nissan as a Month of Joy

Question: Is the month in which Pesach falls (*Nissan*) treated as "a time of joy", and in what way?

Answer: We will try to give a general presentation of the subject, in three parts:

- (1) the *issue* - are the first two weeks of *Nissan* "ordinary days" or not,
- (2) the *resolutions* of the authorities and their implications,
- (3) the *loose threads* - further issues that need addressing (separately).

Part 1: The Issue - Are The First Two Weeks of Nissan "Ordinary Days" or Not?

In the Gemara (*Ta'anis* 15b - with Rashi) we learn that the Sages established a number of holidays because of miracles which happened on certain days. They recorded the details in a work called "*Megillas Ta'anis*". Some of the holidays are listed there as "days that it is [only] *assur* to fast", and the others are described as "days that it is *assur* to eulogize [as well]." We also learn (*ibid.* 17b) that among these, "from the beginning of the month of Nissan until the eighth" were "days not [even] to eulogize" and "from then until the festival [of Pesach]" were "days not to fast". However, elsewhere in the Gemara (*Rosh HaShanah* 18b) we learn that subsequently, these holidays were cancelled (with a couple of specifically named exceptions, not including the above two weeks). The *Rokeiach* [*Rabbeinu* Elazar ben Yehudah, Germany, ~1160 - 1230, *siman* 245] points out that this proves that the first two weeks of *Nissan* should be considered "ordinary days", as far as the Halacha is concerned.

Nevertheless, the *Rokeiach* writes, as the Tur [*Rabbeinu* Yaakov ben Asher, Spain, ~1280 - ~1345, O.C. 429] quotes as well, that the *minhag* [in their time and place] was to refrain, during the period from the first of Nissan until the day after Pesach, from both fasting *and* eulogies, and likewise not to say *Tachanun* on the weekdays or "*Tzidkas'cha*" on Shabbos during that period.

The *Rokeiach* then proceeds, as does the Tur, to quote the following from Tractate *Sofrim* (21:2-4):

[Three fast days, commemorating Esther's three days of fasting (Esther 4:16), are held (in some places) in the month of Adar, but not in the month of Nissan - when Esther's original fasts were (as taught in Megillah 15a).]

Why not in Nissan? For on the first of Nissan the Mishkan was assembled, and the twelve princes offered their offerings for the ensuing twelve days - a single day for each and every tribe, and each one would make a holiday on his day; and similarly in the future to come: the Beis HaMikdash will eventually be built in [the month of] Nissan, to fulfill that which it says (*Kohel* 1:9): "There is nothing new under the sun."

Therefore, "Tachanunim" [lit. "supplications"] **are not said**, [throughout] all the days of Nissan, and [similarly] we do not **fast** until Nissan has gone. [At this point, a number of "exceptions" to this restriction against fasting are listed.]

The *Beis Yosef* explains that the intent of this Tur (and *Rokeiach*) is that the citation from Tractate *Sofrim* can help us "defend" the *minhag*. Let's see exactly how the argument works.

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Part 2: The Resolutions of the Authorities and their Implications

The *Beis Yosef* points out that the citation from Tractate *Sofrim* does not seem to support the *minhag* of the Tur (and *Rokeiach*) at all. After all, Tractate *Sofrim* says not to say *Tachanun* throughout all of *Nissan*, and the *minhag* was to refrain only until the day after Pesach. In fact, we can prove that refraining from *Tachanun* in the second half of *Nissan* is *the main point* in Tractate *Sofrim*, as follows: We do see in Tractate *Sofrim* an emphasis on the specialness of the first two weeks of *Nissan*, but why is the specialness of the first day of *Nissan* mentioned (i.e. its being the day on which the *Mishkan* was assembled)? It cannot be in order to show that this day itself is special, because that is obvious - for it is in any case *Rosh Chodesh!* Rather, the point of showing the specialness of the first two weeks must be to establish that once we add to that the days of Pesach themselves, "**the majority of the month** has left [the world of the 'ordinary'] and therefore **for the entire month** it is appropriate [not to say *Tachanun*, etc.]". [So now we understand why it had to be shown that the first of the month was special *even in comparison to the first of other months*, i.e. in order to contribute to this way of establishing that *Nissan* is no "ordinary" month.]

So what is the basis of the *minhag* to refrain from *Tachanun* only until the day after Pesach? At this point, that seems to be both against the Gemara (which considers the days Halachically "ordinary", after the "cancellation" of "*Megillas Ta'anis*") and against Tractate *Sofrim* (which considers the entire month worthy of not saying *Tachanun*, etc.)! So the *Beis Yosef* explains that the Tur (and *Rokeiach*) are illustrating how the *minhag* can be a kind of "compromise", as follows: Of course, the strict Halacha is to consider even the first two weeks of *Nissan* as ordinary, as we learn from the Gemara. Nevertheless, in order to show respect for the specialness of those first two weeks which we see in Tractate *Sofrim*, a voluntary *minhag* was adopted to treat *just those first two weeks themselves* as a time of joy (in addition to the holiday of Pesach, of course), but not more, since if according to the strict Halacha these days are not even special enough to render *themselves* "*Yamim Tovim*", then it certainly would be inappropriate to consider them voluntarily to be special enough to do this to the entire month.

Despite all this, the *Shulchan Aruch* and the *Rema* both rule that the current *minhag* is not to say *Tachanun* for the entire month. The *Rema* reiterates that not saying "*Tzidkas'cha*" on Shabbos either goes together with this.

Part 3: The *Loose Threads* - Further Issues That Need Addressing (Separately)

Two "loose threads" that can be seen in the above are (1) the thirteenth day, and (2) the other Halachos which pertain to times of joy, as we will now explain:

(1) The *Beis Yosef* seems to consider the first two weeks of *Nissan*, which precede Pesach, to be completely covered by the reasons mentioned in Tractate *Sofrim*. He says the first day had the assembly of the *Mishkan*, and the *next* twelve days had offerings of Princes. For the fourteenth day, he seems to rely on its separate specialness as "the eve of Pesach", which is in fact greater than the previous days [as the *Rema* brings in this same *se'if*, but which requires separate discussion, as does the day *after* Pesach]. In the Gemara (*Shabbos* 87b), on the other hand, we find that the first of the twelve days of the Princes' offerings was the first day of *Nissan itself*, in which case the last was the twelfth of the month. So what is our attitude toward the thirteenth? The authorities give many explanations, which deserve separate treatment.

(2) There is another entire paragraph in Tractate *Sofrim* discussing details about fasting, with much analysis in the Tur, the *Beis Yosef*, and the other authorities. (In fact, there is also more to discuss about eulogies and *Tziduk HaDin* [formal "acceptance of judgment"], but at least there the practical Halacha seems clearly to be the same as it is with respect to *Tachanun*, i.e. all these are not done throughout *Nissan*.)

Finally, the authorities discuss reading the Torah sections describing the Princes' offerings on the days on which they were brought, but this too is beyond the scope of this article, which is, as mentioned, merely a general presentation of the subject of *Nissan* as a month of joy.

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