The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
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סימן תק"ע סעיף א'-ג'

Overview

Siman 570 Seif 1:

If an individual commits to fast for a certain number of days and Shabbos, Yom Tov, Rosh Chodesh, Chanukah, Purim or *erev* Yom Kippur falls on one of those days, if he merely committed to fast, he does not need release from a vow but if he committed by declaring, הרי עלי which is language of a vow, he must be released from his vow by a scholar who must evoke remorse by asking him whether he would have vowed knowing that one of these days would overlap his vow and may then release from his vow. According to Rambam if he vowed to fast and Shabbos, Yom Tov, *erev* Yom Kippur or Rosh Chodesh occurs, he is obligated to fast if he is not released from his vow but if Chanukah or Purim occur, his vow is nullified and he should not fast since they are Rabbinic enactments which require strengthening. The custom is in accordance with the first opinion. One who committed to vow for a certain number of days and specified that he would not fast on Yom Tov, Chanukah and Purim are also excluded but if he claims that he intended to fast on those days he must fast on those days. *Erev* Yom Kippur is included in the category of Yom Tov and this is the custom which is not the ruling in Yoreh Deah *siman* 215:4.

- In Eretz Yisroel if they decreed to fast they would be obligated to fast on these days. (M.B. 1)
- The commitment does not take effect in such an instance. (M.B. 2)
- A vow takes effect even on a *mitzvah* since he prohibits the object upon himself but an oath would not take effect since an oath addresses the person who is commanded not to do this. (M.B. 3)
- He should seek release from his vow so that he should not have to fast. If he is not released and must fast, he must fast another day to atone for fasting on one of these days. When released he is released from all of the days he committed to fast. (M.B. 5)
- Rosh Chodesh is also not considered a Yom Tov but Chol HaMoed is considered a Yom Tov. (M.B. 6)
- Meaning we do not follow Rambam's position. (M.B. 9)

Siman 570 Seif 2:

The *halacha* for one who vows to fast on Shabbos, Yom Tov, *erev* Yom Kippur, Chanukah or Purim is the same as if he vowed to fast for a specified number of days which overlaps with one of these days and he if he used language of a vow, it is treated as a vow but if he used language of a mere commitment, it is treated as a mere commitment.

Siman 570 Seif 3:

If one took an oath to fast for a specified number of days and this commitment overlapped with one of these days, the oath takes effect since it is an encompassing oath but if he took an explicit oath to fast on Shabbos or Yom Tov, it does not take effect since oaths do not take effect on a *mitzvah*, rather he receives lashes for taking a false oath and may eat. If he took an oath to fast on Chanukah or Purim, the oath takes effect since they are only Rabbinic (He should seek release from the oath rather than fast). **It appears to me that the same *halacha* is true for Rosh Chodesh and *erev* Yom Kippur which is only Rabbinic but Rambam implies that they are Biblical.**

- He should seek release from his oath. (M.B. 12)
- Magen Avrohom and Gra maintain that the prohibition against fasting on *erev* Yom Kippur is Biblical whereas on Rosh Chodesh it is Rabbinic. (M.B. 14)

Halacha Highlight

Committing to fast on days that one may not fast

Shulchan Aruch Siman 570 Seif 3
יחיד שקבל עליו תענית
An individual who committed to fast

Shulchan Aruch (סע' א') discusses a person who committed to fast for a certain number of days and it turns out that one of those days coincides with Shabbos, Yom Tov, Rosh Chodesh, Chanukah, Purim or *erev* Yom Kippur. He draws a distinction between one who made a general commitment to fast and one who vowed to fast. If one made a general commitment to fast but did not formalize that commitment with a vow, he does not need to seek release from the vow (*hataras neder*). Mishnah Berurah (סק"ב) explains that his commitment is strong enough to take effect on these days. Interestingly, Rav Moshe Feinstein (מועדי ישורון פ"ד הע' 65 ומובא בשמעתתא דמשה עמ' תמ"ד) rules that although the fast does not take effect on these days, nevertheless, one should avoid eating meat and drinking wine. If, however, the person committed by taking a vow that he would fast for that number of days, he must seek release from that vow from a Torah scholar. Mishnah Berurah (סק"ה) emphasizes that not only does he need to seek release from his vow if he wants to be able to eat but, in fact, he should seek that release because he should not fast on these days. In the event that he did not seek release from his vow, he is obligated to fast and then must fast again for having fasted on one of these days on which it is prohibited to fast.

Although Shulchan Aruch enumerated holidays when it is prohibited to fast, Shach (יו"ד סי' רט"ו ס"ק י"א) and Magen Avrohom (סי' תכ"ט סק"ו) rule that the same *halacha* applies to any day upon which we do not recite *tachanun*. However, if one went ahead and fasted on one of the days that *tachanun* is not recited it is not clear whether it is then necessary to fast another day to atone for having fasted on a minor holiday.