

HALOCHOSCOPE

This week's question:

A convert is the first-born in his original gentile family. Should he now fast or make a *siyum* on *Erev Pesach*? If he has a first-born son under *bar-mitzvah*, should he undertake the fast for his son, or is it preferable for the Jewish born mother to fast?

The issues:

- A) The fast or *siyum* of the first born
- B) A parent fasting for a minor first-born son
- C) The status of a convert in regard to his original family

A) *Taanis and Siyum Bechorim*

The *Yerushalmi* entertains the possibility that *Rebi* [*Yehuda Hanasi*] fasted on *Erev Pesach* because he was a *bechor*. A sage countered that his father was also a *bechor*, but did not fast. One view explains that the *Yerushalmi* suggested the possibility of this fast, but that it was not accepted. This indicates that there could be reason for a *minhag* but that it is insufficient. Another explanation is that the *Yerushalmi* means to say that there was a practice. However, it was not adopted widely and *Rebi* would never have followed it. Accordingly, even pious individuals did not practice this *minhag*.

A second ancient source cites the ruling that *Nissan* is a month of rejoicing and not fasting, with the exception of *taanis bechorim*. In addition, to override the institution banning fasting on the day one offers a *korban* (the *korban pesach*), the *minhag* must have been a *takanah kedumah*, ancient, predating institution. It must really be well-founded. How the *minhag* spread can be traced by references in the *poskim* through the ages. About five hundred years ago, this practice was observed in some parts of Germany, but nowhere in France. A few generations later it had spread such that the *poskim* of the time no longer discuss the observance or lack thereof by different communities.

The reason commonly offered for the *minhag* is the sparing of the Jewish first-born from *makas bechoros*. If the first-born Egyptians were the pagan priests, and the Jews also served idols, the Hebrew *bechorim* all deserved to die as well. [Jewish temples hired priests from the ranks of their own first-born.] Fasting and repenting commemorate the way the Jewish first-born deflected the decree. The Egyptians were punished because they refused to subordinate themselves to Hashem. They challenged Him after every plague. To be protected from the final plague, the Jewish firstborn subordinated themselves. Fasting demonstrates subordination. Though they might not have been worthy of the miracle, fasting shows that they are not the same as the Egyptians.

Makas bechoros occurred on *Pesach*, when fasting is prohibited, so it is commemorated on *Erev Pesach*. Deferment of a fast generally reduces its level of obligation. In this case, this day was fixed as the primary fast day. Additional reasons are offered. It was not one of the days commemorating the inauguration of the *mishkan*. One might fast to build

up an appetite for the *seder*. It was the day Haman sent forth his decree of annihilation of the Jews, according to one version. Thus, it is not considered a fully deferred fast. If *Erev Pesach* is *Shabbos*, one may not fast then either. One does not defer a fast from *Shabbos* to *Erev Shabbos*, because this would mean entering *Shabbos* famished. Therefore, some say it is deferred to the preceding Thursday.

Some forbid fasting past midday. Three possible reasons are offered for this. It is due to the festive nature of a day of *korban*, as all Jews bring the *korban Pesach* on this day. The Talmud records days that certain families brought *korbanos*, when fasting was forbidden. [Even nowadays, on a day that one would normally have been offering a *korban*, one does not say *tachanun*.] One should also not begin a *Yomtov* famished. Therefore, one must eat at some point. Fasting half a day is a *taanis shaos*, partial fast. It also distinguishes this fast from the gentile practice to fast on the eve of their holidays. Emulating idolaters would involve violating the *mitzvah* of *chukas hagoy*.*

These views are utilized to allow dispensations for the weak and feeble. In addition, the essential deferment seems to allow some laxity. If it is deferred from *Shabbos* to Thursday, it is further mitigated. There is a view that when *Erev Pesach* falls on *Shabbos* there is no fast at all. This opinion is also taken into account for difficult situations.

A minority include female first-born in the fast. *Bechor* in *halachic* terms applies to a firstborn male. If he and his mother are not from the tribe of Levi, he must have a *pidyon haben*, redemption. He is given an extra portion of the heritage of his father. Females are not included in these applications. However, the *Midrash* says, *Bisyah*, daughter of *Par'oh*, a first-born, was spared only because she saved *Moshe*. Firstborns by cesarean and those whose mothers are from Levi are the subject of debate.

One fasting for personal reasons may sometimes break his fast to participate in a *seudas mitzvah*, *mitzvah* meal. The most obvious of these is a *bris milah*. Certainly when it occurs on the correct day, the eighth day of the boy's life, it allows the immediate family to eat (except on *Yom Kippur* and on *Tisha b'Av* when it is not deferred). The poskim discuss this with regard to *taanis bechorim*, and only permit immediate family members to eat. A *siyum* celebration on completing a section of study is considered *seudas mitzvah*. It is better when celebrated with others who did not participate in the study. In fact, the Talmudic source for it indicates that it was a party hosted by others in honor of the scholar completing his study. The joy at the completion encourages others to raise their ambitions. The poskim restricting the celebrants at a *bris milah* take this *taanis* seriously. However it has become a time-honored tradition to save a *siyum* for *Erev Pesach* to spare *bechorim* from fasting the rest of the day. Some suggest it was introduced to satisfy those who object to the entire institution of a fast on this day.

Others criticize the practice. Saving a *siyum* makes sense, but not to avoid an instituted fast. Moreover, often the section was studied specifically for this purpose, giving the perception of a loophole. A *siyum* should be a proper bread-based *seuda*, and some add, a meat based meal. Some suggest that the *bechorim* who did not study should at least follow along with the *mesayem*. One defense is made by suggesting that since the initial practice was a *minhag*, the *siyum* is acceptable as a counter prevailing *minhag*. [See *Pesachim* 108a, *Yerushalmi* 10:1, *Sofrim* 21:3, *Tur Sh. Ar. OC* 470, commentaries. *Mishne Lemelech*, *Klei Hamikdash* 9-10, *Yabia Omer OC* I:26-27. *Halochoscope* IV:11.]

B) A Parent fasting for a minor Bechor

An unusual detail of this fast is, if the *bechor* is too young to fast, his parent fasts for him. The parents of the first-born in Egypt were also being punished. Hashem told *Par'oh*, 'Yisroel is My firstborn son, I shall kill **your** firstborn son.' Children do not fast. Their fathers fast until the child grows up and appreciate it. If there is no father, or according to some, if the father is a *bechor* and is already fasting, some require the mother to fast. These stringencies are not followed or relaxed in any cases of difficulty. The lenient opinions, combined with the aggravated effect the fast could have on the consumption of the *matzah* and *maror*, are used to relax this part of the *minhag*.

What if the father has difficulty fasting, due to illness or the like, and the mother is healthy and finds fasting easy? Is there no obligation on the mother where there is an eligible father, and due to his condition, there is a full exemption here? This would seem to depend on the nature of the parent's obligation. If it is due to the pain that Jewish parents were spared, there should be no difference between the parents. The father usually fasts is because he is the senior of the two. However, a mother may fast as well. [Perhaps the other view maintains, a father must redeem his firstborn son. If there is no father, the son does so when he grows up. The mother does not do it.]

The *siyum* is a way for one who began fasting to end his fast right then. If a father could never complete the fast, and is really exempt, is there a point in his participation in a *siyum*? Is it preferable to turn the obligation over to the mother? [Could she participate in a *siyum*?] In cases of doubt, what should be done? The poskim raise the specter of a stringency that leads to leniency, due to the *mitzvos* of the night. Accordingly, if a *siyum* is available, he should participate. Otherwise he should practice leniency in this *minhag*.

A *gair tzedek*, righteous convert, married to a Jewess from birth, has a *bechor* minor son. Assuming that the *gair tzedek's* eligibility is in question, should the mother fast instead? Is it better for the father to participate in a *siyum*? While we shall discuss the obligation of a *gair tzedek* in his own right, it would appear that as a parent he should be considered obliged. Were he to have converted in Egypt and been the father of a Jewish *bechor*, he would have been spared the pain of the plague. Furthermore, it seems that the consensus of the poskim is to find a way to absolve a mother of the fast. Some suggest that for the feeble, including most mothers, the fast may be redeemed with a donation to *tzedaka*. In this case, the amount is left to the discretion of the donor. The donor in the case where a mother would be fasting would be the mother. Accordingly, in our case, the father should participate in a *siyum*, rather than fasting. The mother should make a donation to *tzedaka*. This way, they cover most bases. [They might not satisfy those who insist on a fast.] [See *Rema OC* 470:2, commentaries. *Maadanei Shmuel* 113:20-22.]

C) Status of a convert's biological family

When a gentile converts to Judaism, his *halachic* status is that of a newborn child. He is not related to his biological parents for most *halachic* purposes. Thus, for laws of inheritance, laws of relatives testifying and laws of forbidden family relationships, he is really like one who has no family. Rabbinically, he may still not marry his sisters and the like, and he is obliged to honor his parents. This is so that he does not look at it as though he changed from a more stringent status to a more lenient status, when the opposite is true. As a gentile, he would inherit his father, by *halachic* standards. As a Jew he still in-

herits his gentile father, so that he does not lose heart and return to his old religion. He must also consider his gentile lineage when it comes to certain forbidden marriages. A convert from certain peoples may not marry a born Jewess. In some cases, this applies for a few generations, and in others, for all his descendants.

A *gair* whose wife gives birth to a male firstborn is a matter of debate. Some say that he is like a Levi, while others include him in the class of all Israel. If the child was conceived while he was a gentile, he is not considered the *halachic* father. The child is required to redeem himself as an adult. In our case, the *gair* was firstborn as a gentile. This had no *halachic* consequence. Now he has converted. In most respects, nothing has changed. He does not gain a double share of inheritance, and he is not obliged to redeem himself. Do we say that as a firstborn he must fast, or do we say that either way he is not connected to this commemoration? Were he a gentile in Egypt, he would indeed have perished. Had he already converted by then, he would apparently not have been under any threat, being unrelated to his father. However, being a convert would have definitely saved him. In many respects, he has more cause to commemorate than any other *bechor*. One contemporary posek cites this as reason he should participate in a *siyum*.

This entire question presumes that the decree would never discriminate between *bechorim*. We mentioned that Jewish *bechorim* were under threat was due to their having served as priests of idols, but were spared. A *gair tzedek* in Egypt would have served idols only as a gentile priest. His whole purpose in converting would have been to give up idolatry. Would this *bechor* have been threatened? Unlike the Jewish idol priests who needed to subjugate themselves, this *bechor* would have already shown subjugation. Rather, he may be compared to the *bechorim* of the tribe of Levi, who apparently never gave up Judaism. Some say that even they are required to fast, even if they are only *bechorim* to their mothers and are not to their fathers, and do not inherit double portions. In that case, this *gair* could be classed in the same group. Nonetheless, the reason they fast is that they are really considered *halachic bechorim* who are exempted from *pidyon haben* only because the Torah excludes them. Our *gair* is not considered a *halachic bechor* at all. Furthermore, many poskim assume that a *bechor Kohain* or *Levi* is exempt from the fast. Accordingly, it would appear that the *gair* need not fast at all. [See Yevamos 21a etc., Poskim. Tur Sh Ar YD 269:10, OC 470:1, commentaries. Maadanei Shmuel 113:18. Shevet Halevi VIII:117:2.]

On the Parsha ... Over fresh spring water... [40:38] The meaning, [on the simple level], of the water in the purification process is that the metzora needs to humble himself and make a fresh start. Just as the world was only water at the beginning of Creation! This is the basis of immersion. [Chinuch mitzvah 173 & 175.] The Talmud says that just as one who parted from a corpse needs to be purified, so too does one who parted with his foreskin [and converted. Both may not eat the *korban pesach* right after their *tevilah*.] Perhaps this is also the idea of immersion for a convert, who begins afresh. Thus, he is considered just born.

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