

HALOCHOSCOPE



This week's question:

Members of a *chevra kadisha*, burial society, often fast on the 7th of *Adar*. If a member has an opportunity to attend a *seudas mitzvah*, festive meal for a religious reason, on this day, should he attend it, or fast?

The issues:

- A) *Chevra kadisha*
- B) The 7th of *Adar*
- C) *Seudas mitzvah*, and overriding a fast day

A) *Chevra kadisha*

It is unclear when the concept of a *chevra kadisha* became prevalent. It was definitely common in Talmudic times, and known by the simple name *chavurta*, or *chevra*. The Talmud forbids a labor in town until the dead person has been buried, unless there is a *chavurta* in town. This was a group of officially designated people who would take care of the burial. It involved being present at the time of death, so that no-one would die alone, to help with confession, and to help the family prepare for their grieving. [They would also provide a doctor and medicines for the ill.] The body had to be prepared for interment, including the provision of shrouds and a coffin or board. People were needed to carry the deceased to the grave, to dig the grave, to fill it and to arrange for a marker. The communal cemetery was also purchased and dedicated by the *chevra*, at the head of the community. There are rules on the proximity of different graves, and the *chevra* made this decision. The *seudas havra'ah*, mourner's first meal after interment, may not be from his own food. To ensure that there would be someone else providing it, the *chevra* would do so. Finally, the mourner would not begin sitting or rise at the end of his *shiva*, until instructed to do so. This also became the purview of the *chevra*.

The Talmud also describes people who perform some or all of these functions by other titles. Some of these titles became standard names for the *chevra*. They are referred to as the *misaskim*, those who occupy themselves with this work, and *gomlei chasadim*, those who perform kindnesses. This refers to two types of kindness. In context, it refers specifically to those who comfort the mourners. In a broader sense, it refers to the kindness to the deceased. The Torah mentions this kindness as a *chessed shel emess*, kindness of truth. This is the type of favor that one performs with no hope for recompense. The deceased will not be able to repay materially. In this vein, some *chevras* are known as a *chessed shel emess chevra*, or *chevras gomlei chasadim*. Sometimes, they are referred to as *katafim*, those who shoulder the burden, referring to pall-bearers. Since this was one of their functions, this became a general term for the group.

From the start, this was an official group, or society, which is the meaning of the word *chevra*. In time, it became necessary to formalize the group. It was important that

those who joined were versed in the *halachos* and were G-d-fearing Jews. In most cases, they followed additional *takanos*, rules of their own, that we shall sample later. Members were bound to these *takanos*, and great care was taken in selecting or approving new members. On the other hand, since there were costs involved, members of the community were asked to become paying members. Most often, the actual *chevra* would not be paid for their services, so that it would qualify as a *chessed*, and so that people would not be tempted to participate for the money.

However, the supplies, and especially the land in the cemetery, were costly. Certain plots were more or less expensive, depending on location. Discretion was in the hands of the *chevra*. Unfortunately, some community members would not participate in the usual payments. This led to discrimination against the deadbeats, and to strife between the *chevra* and the families of the non-participants. The *chevra* had to enforce the rules, and rumors would sometimes circulate about them. They were accused of being high-handed, hard-hearted and power-driven. This posed a risk of the entire concept falling apart, with people unwilling to become part of a *chevra*. The Rabbis began adding the title *kadisha* to the word *chevra*, meaning a holy society. All members were to be considered holy. It was common practice to recite a *mi shebairach* for the *chevra* on *Yomtov*.

Among the *takanos*, the most common were that members had to be of good character, as well as somewhat learned, G-d-fearing, deeply devoted in their observance and of a minimum age. *Chevra kadisha* members could not be members of the rabbinate or of other boards, such as presidents or *gabai tzedakah*, and vice-versa. All members were required to check the conditions of the cemetery periodically. The position of *gabai*, collector of dues, who was also the head of the *chevra*, had term limits, usually of one year. Actual preparing the burial was rotated, by allotting days, or according to the occurrence, or by lottery, so that it would not be the same people three times in a row. New members would have no say for the first year of service. Meetings would be held at a special *chevra* location, and only *chevra* members were allowed. There would be no smoking at any time members of the *chevra* convened, for meetings of preparing the bodies. Mirth and humor was forbidden, as was any sort of argument, when they convened. [See Brochos 18a Yerushalmi Moed Katan 24b 27b Kesubos 8b, Poskim. Tur Sh Ar OC 72 284-MA4, YD 339:4 341:3 343:1 358:3 365:1, commentaries. Hadrass Kodesh.]

B) The 7th of Adar

The *chevra kadisha* commemorates certain days in the year as a group. The most extensive coverage on these customs is given to how they celebrate *Hoshana Rabba*, *Shmini Atzeres* and *Simchas Torah*. On *Hoshana Rabba*, conducting the entire the service was reserved for members of the *chevra*. They had exclusive right to all *kibudim*. *Shmini Atzeress* afternoon they gathered together and went to *shul* for the evening of *Simchas Torah* as a group. On *Shabbos Beraishis*, they had exclusive rights to the *kibudim*, and all had to gather in one *shul*.

The *chevra* also has a custom to fast, as representatives for the community, at any time of stress or trouble. In addition, they have a scheduled fast one day in the year for themselves. This is to atone for any shortcomings in their conduct during their holy work throughout the year. They also beg forgiveness from those who passed on during the preceding year, in case they did not treat them properly. After the fast, they have a *seuda*, to

generate love and friendship between them. In some communities, the *seuda* is the main event, and it is held on a day when there is no fasting, such as *Lag Baomer*. Some communities use this day for the annual fund-raising event.

Usually, the day chosen has some significance for the *chevra*. *Lag Baomer* is the day when the epidemic of death of the disciples of *R Akiva* ended. Some communities observe their fast on the Thursday of *Parshas Chayei Sarah*. That week's Torah portion deals with the burial of Sarah. Some do it on the Monday of *Parshas Shemos*, or on the 15th or 20th of *Kislev*. The most prevalent day for this fast is the Seventh of *Adar*. This was the day that *Moshe Rabainu* was both born and died. When Moshe died, Hashem Himself took care of the burial. This was a reward for the way Moshe took care of the reinterment of Yosef, with no regard for payment. This is significant and symbolic. Therefore, many feel that this is the strongest connection to the work that the *chevra* does.

In reality, the Seventh of *Adar* is an age-old fast day. There is, in fact, a *tikun*, or various customs of different *tikunim* for this day. *Tikun* is a series of readings and passages that are studied or recited to commemorate the day and to remedy certain matters on a *kabalistic* level. Apart from the birth and death of Moshe, this day was also the day that the *mohn* stopped falling. The *mohn* fell in the merit of Moshe. We know from the Purim story that this day was originally thought to be ominous, by Haman. The death of the tzadik is a sad event. In reality it was a good day, being the day of Moshe's birth. For this reason, some actually consider it a good day, and refrain from *tachanun*. However, the custom to fast predates this newer practice.

In a leap year, there are two *Adars*, and two Sevenths of *Adar*. The poskim debate which of the two should be observed. Part of the issue is whether the year in which Moshe died was a leap year. It is also connected to the *Geulah*, and those of the *halachos* of *Adar* connected to the *geulah* are observed in *Adar Shaini*. The consensus is to observe it in *Adar Sheini*. The 7th of *Adar* can never fall on *Shabbos*, according to our calendar. This is cited as one reason this day was chosen as a fast. [See Megillah 6b 13b Kidushin 38a, Poskim. Tur Sh Ar OC 568:7 580:2 686:2, commentaries. Sidur Yaabetz, *Adar*, Otzar Hatefilos, *Tikun 7th Adar*. Sefer Hatoda'ah, 7th *Adar*.]

C) *Seudas mitzvah on a fast day*

The Talmud discusses one who wishes to postpone a fast. This refers to an individually adopted fast day. It might be for penitence or to commemorate a personal event, such as a *yahrzeit*. The issue is whether he may borrow from this day to break his fast, and pay it back on a different day. There are various versions of the incident in the Talmudic passage. According to one version, it seems that one may do this for any reason, including not feeling up to completing the fast, or even wishing to participate in a party. According to another version, it applies only with good reason. The example used by the Talmud would be to partake in a meal together with a Torah scholar. Based on this, the poskim discuss breaking one's fast for any *mitzvah* or *seudas mitzvah*.

A typical *seudas mitzvah* that might fall on a fast day would be a *bris milah*. This is not connected to an annual calendar date. Other examples of *seudas mitzvah* are a *siyum*, festive completion of a tractate of Talmud; a *pidyon haben*, redemption of the first-born; a wedding or *sheva brochos*; according to some, a *bar mitzvah* party, at least if Torah thoughts are delivered; a *seudas hoda'ah*, thanksgiving party, held on a private “*Purim*”.

One who experiences his personal salvation celebrates it each year on that anniversary. If words of Torah are delivered at a festive meal, many consider it a *seudas mitzvah*, provided it was convened for a special occasion. To properly qualify, the meal must involve people seated specially for this *seuda*. To give it this formality, bread must be served.

There are various types of *Taanis*, fast days. The most common is the fixed *Taanis* fasted by all Jews. These include the main five *Taanios* on the *churban*, destruction and exile, and *Taanis Esther*. The next most common is the formal privately adopted *Taanis*. This can take one of three forms: The individual might have had a bad dream. For this, he would fast immediately upon awakening. One fasting for this reason may not break his fast for a *seuda*. He might have adopted a specific day to fast. On these types of fast, most poskim maintain that one may not borrow this day and repay it with another. One might have adopted a general fasting regimen. On these fasts, one may borrow. The third type of fast is a customary fast. These include those who fast during the ten days of penitence, and Monday, Thursday and Monday following a *Yomtov*, known as *Behab*. This is not a binding fast, but is adopted voluntarily. However, one need not formally commit to it. Since it is a custom, one who wishes to may choose to fast. Many consider a *yahrzeit* fast in this category, wherein one need not formally commit to it. However, it is more binding, once one begins the practice. On a *yahrzeit*, one may not participate in a *siyum* or wedding. Some say that for anything but a wedding, one may absolve his oath and eat. A customary communal fast may be totally suspended for a *bris milah*. It need not be repaid. The entire custom was adopted with this contingency in mind. Therefore, the *minhag* is not binding in this case.

The question arises, what about the 7th of *Adar*? Those *chevras* that adhere strictly to this custom adopted the fast stringently, and made it binding on all members. This is similar to a fast proclaimed in Poland on the 20th of *Sivan*. Unless one is part of the *minyan* needed for the *seuda*, he may not join with them. *Chevras* that make the fast optional, have not adopted it as a matter of policy. They have left it to the discretion of the individual, who then adopts it for personal penitence. In that case, an individual may borrow this day and repay it. Furthermore, he might even be allowed to suspend the fast, since his adoption might be with this contingency. He would fast until the *seuda*, then break it at the *seuda* [See *Taanis* 12b, Poskim. Tur Sh Ar OC 568:2 12 Rema, commentaries.]

On the Parsha ... they shall take for Me [Rashi: Lishmi, for My sake] from all men whose heart shall cause him to be generous, take 'My' terumah ... [25:2] If one volunteers out of the goodness of his heart, one would expect that his motives are altruistic. Why does the Torah require that this *mitzvah* be done for the sake of Heaven? The very idea of volunteering can lead one to think that he is doing it as a personal favor. He can feel that he deserves credit for it. Therefore, the Torah says, no-one should think that he is doing Hashem a favor. The *terumah* is actually being 'taken', rather than given. This is because all of one's possessions are really Hashem's. The donor 'takes' from Hashem to give Him 'His *terumah*'. It is his heart causing him to be generous. For a voluntary act, one should not expect to gain prestige. Perhaps, part of the reason for the fast of the 7th of *Adar* is to atone for feelings of personal pride, rather than *Lishmah*.

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