

HALOCHOSCOPE



This week's question:

Someone has the practice to fast part of the day on *Erev Rosh Hashanah*. He also eats before dawn, to satisfy the opinions who question this type of fast day. However, when dawn is very early, he is not able to get up in time to eat. Should he fast anyhow? Should he eat just after dawn, if he wakes up a little late?

The issues:

A) *Erev Rosh Hashanah* fasting

B) *Chukos hagoy*, rituals of the heathens; eating before dawn on a fast day

A) Fasting on *Erev Rosh Hashanah*

Fasting is prescribed as a way to practice penitence. Abstinence from worldly pleasures subdues the person's temptations and indulgences. He can then focus on his actions and resolve to mend his ways. Thus, the one real Scriptural fast, *Yom Kippur*, is the day of atonement. In addition, angels do not eat or indulge in anything physically nourishing. On *Yom Kippur* we also resemble the angels. Moshe abstained from food and drink for the forty days and nights he ascended the mountain to receive the Torah. He did the same when he prayed for Israel following the sin of the golden calf. This was a sign of his ascending to the heights of the angels and the 'supernatural'. It was also a sign of his self-deprivation to enhance his prayers for forgiveness.

Other fasts are generally in one of three categories. Some were instituted by the *Neviim*, and have a quasi-Scriptural-Rabbinical level of severity. These were instituted in mourning, and also in penitence, to commemorate the destruction of the *Bais Hamikdash* and the exile, and the sins that led to these events.

Others were proclaimed by the Rabbis when the need would arise. The main reasons were the lack of rainfall and other immediate troubles. The purpose was to recognize the troubles as coming directly from Hashem as a warning or punishment. Hashem wishes to see us abandon our wayward ways. Fasting communally arouses the entire people to repent. Fasting for rain followed a specific order. In *Eretz Yisroel*, rains were expected by a certain date. If they were delayed, this was a sign that Hashem was unhappy with the performance of the people. The fasts were then proclaimed for three days, a Monday, Thursday and following Monday. If the rains were still not forthcoming, additional fasts were instituted, increasing in severity. The first series was observed only by the great leaders. This included those who could answer queries in *halacha* in any subject. Those who had not yet reached that level, but were students, could voluntarily fast. The Talmud debate whether other may do so. In one view, since this involves pain and self-affliction, anyone may volunteer. We generally follow the other view, that to do so would be considered arrogant. The later series of fasts involved the entire people. On these fasts the prominent

Erev Yomtov. Second, some say this has the appearance of *chukos hagoy*, a practice that seems to imitate the rituals of the heathens. *Chukos hagoy* is a Scriptural *mitzvah*. It forbids copying the gentile culture. The main applications of this *mitzvah* are in respect to dress and superstitious practices. However, when a ritual practice resembles their rituals too closely, it raises the issue as well. The prevailing church group in European countries mandated abstention and fasting on the day before their main holiday. [In Islamic countries there is also a protracted fasting period before the feast. However, in that case, the fast is indeed the holiday, with the feast coming as a celebration of the end of the fast.] Also, people might not be able to distinguish between the two religions.

To avoid this issue, the poskim say that one should eat something before dawn on *Erev Rosh Hashanah*. The fast day only begins at dawn. Some adjust this to require a small drink, rather than solid food. Thus, one will still be able focus properly on *selichos*. Furthermore, one should avoid eating before *davening*. [Some say *selichos* before dawn, eat or drink, and then resume *davening*.] Usually, one may not eat before dawn on a *taanis*, unless he stipulated to do so the night before. Otherwise, it is as though he began abstaining from food the preceding night when he finished eating. Nonetheless, in the case of these fasts, since it is recommended by the poskim and widely practiced, one need not verbally stipulate the preceding night. He may assume that this is what everyone will be doing. Alternatively, he may assume that in this case, the fast cannot begin before dawn.

Some point out that this method of avoidance would normally be very weak. Even the heathens eat something. They do not even fast properly during the day. How would eating a small amount before dawn prove that one is not copying their practices? Would it not make sense to have a *minhag* to eat after dawn? Of course, this would invalidate the *taanis*, since it would neither begin at dawn, nor end at nightfall. However, there could have been an institution to fast *taanis sha'os* from some point during the day until nightfall. On the other hand, even the church does not always enforce their fast, and might even have abolished it. The answer seems to be that by instituting such a *minhag*, the appearance of an imitation is avoided. Thus, even if one did not actually eat, his fasting will not lead to the appearance of *chukos hagoy*. There is ample basis for the fast in our own tradition. The only issue is one of appearance. If there is a *minhag* that people who happen to be awake eat before dawn, the 'institution' of the fast does not give that appearance. The fast should always begin at dawn. [See *Taanis* 12a-b *Yerushalmi*, *Poskim*. Tur Sh Ar OC 564, commentaries. References to section A.]

In conclusion, if he is unable to eat before dawn, he still fasts after dawn.

On the parsha ... *I bring them to the land I promised their forefathers, flowing with milk and honey, and they eat and are satiated and become fat, then they will turn away ... [31:20]* The Torah attributes straying after idolatry to over-indulgence in food and drink. This metaphor for luxuries in general is an indication of how to correct the situation. By restricting one's indulgence in food and drink, he can find his way back to Hashem. He will be shifting the focus from self-indulgence to spiritual matters.

Sponsored in memory of Rochel Devorah bas Harav Moshe a"h, whose *yahrzeit* is on the 24th of Elul. א

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leaders and *tzadikim* would engage in more intense abstentions.

The third type is a *minhag* or a privately adopted fast. *Taanis Esther* is one such fast, that was adopted communally. It commemorates the war with *Amalek* that took place then. While the army goes to battle, the other people fast for their success. An individual can adopt fasts for repentance. He might also fast due to a bad dream. A *minhag* adopted by the people voluntarily has the binding effect of a *neder*. It also has the caveats of a *neder*. It depends on the frame of mind of the person or people adopting it. Therefore, if it can be assumed that under certain circumstances it would not have been adopted, it is relaxed in those situations.

The fast on *Erev Rosh Hashanah* falls into the third category. This *minhag* is mentioned by the poskim as originating in medieval Germany. After saying that 'most' people fast on the first day of *selichos*, the poskim say that in Germany 'everyone' fasts on *Erev Rosh Hashanah*. The *minhag* seems to have predated any specific source cited for it. Nonetheless, the poskim cite various bases for this fast. The Midrash says that the first day of *Sukos* is also the first day of a new accounting of sins. All old sins have been wiped clean by then. On *Erev Rosh Hashanah* the great people fast. Hashem forgives one third of the sins. During the *Aseres Yemei Teshuva* the righteous people fast, and Hashem forgives a second third of the sins. On *Yom Kippur* all fast, and Hashem forgives all remaining sins. Until *Sukos*, the people are too busy to sin.

This implies that it is appropriate to fast on *Erev Rosh Hashanah*, at least for the greatest among us. Some poskim say that in this case, anyone may consider himself great. Usually, this involves *yuhara*, undue pride and haughtiness. Thus, the question is raised, why may anyone may assume the title? Some suggest that in this case we follow the other view in the Talmud, but this would pose a contradictory ruling. Others suggest that when the leaders fast on behalf of the larger group, they have been selected as representatives. For a junior person to assume that role is presumptuous. However, on *Erev Rosh Hashanah* people are mainly fasting for themselves and for their own sins. Furthermore, some people fast even more penitent fasts. Therefore, it is not considered presumptuous. Since the leaders fast on this day, we know that it is a good day for such fasts. Therefore, each individual can undertake his own fast. The implication based on the Midrash is that more people fast during *Aseres Yemei Teshuva* than on *Erev Rosh Hashanah*. This means that those fasting on *Erev Rosh Hashanah* should definitely fast during *Aseres Yemei Teshuva*. To resolve this, some say that we are not strong enough. Another suggestion is that by fasting *Tzom Gedalia* one satisfies this issue.

There were days that the Rabbis forbade fasting. These were generally holidays to commemorate something. To avoid fasting on some of these days, fasting was also restricted on the preceding days. The Talmud debates whether the same rules were applied to Scriptural holidays. Since they are more stringent it is less likely that people will fast on the holiday itself. The poskim maintain that *Rosh Hashanah* is a day that fasting is forbidden. Nonetheless, the Yerushalmi says that a great sage fasted every *Erev Rosh Hashanah*. This proved that either the original institutions restricting fasting had been abolished, or that on the day preceding a Scriptural holiday it is permitted. In any event, these sources indicate that this day is a good day to fast.

Due to its nature as a *neder* type *minhag*, those who practice this *minhag* may also practice leniencies. These include eating a *bris milah* or other *seudas mitzvah*. On the day a relative is buried, there is a special meal eaten. The poskim debate whether one should eat this meal on *Erev Rosh Hashanah*. From this debate, some show that the fast is not on the level of the institutionalized fasts, when the bereaved may not eat this meal. Accordingly, a person who is weak or mildly sick may eat, even if he has previously adopted the *minhag*. It is assumed that in such circumstances it was never meant to be adopted. If the person has adopted additional fasts on his own, he has shown that he is fasting due to personal vows. This person would need to gain a *hataras nedarim* in order to break his fast. This list of exceptions indicates that the original fast was not necessarily based on the aforementioned sources as an institution. Rather, they just served as proof of the relevance of a fast on this day. Thus, the fact that they indicate that only great people fasted does not mean that it is presumptuous for lesser people to undertake it nowadays.

We follow the view that one may not fast on *Rosh Hashanah*. Therefore, those who fast must eat before the day is over. This means that the type of fast can be viewed in one of two ways. The Talmud describes a fast that is begun but is not completed. This is practiced by certain individuals who begin fasting but later break their fast due to circumstances. For example, the father of a baby who has his *bris milah* on some types of fast breaks his fasts after the *bris*.

Another type that is called *taanis sha'os*, a fast for a few hours rather than for an entire day. The question is whether this second type applies to the first few hours of the day or the last hours, including the end of the day. An individual undertaking to fast can only be considered seriously if it was undertaken the day before. If one happened to refrain from eating, he may not consider it a fast day. Therefore, he may not include the special insertions in his prayers for a fast day. However, if he decided half way through the day to undertake the remaining hours as a fast, this is called *taanis sha'os*. The poskim debate the validity of such fasts. An individual inserts the prayer in a section in which one may include miscellaneous items. Nonetheless, some object inserting language referring to a fast day, if it is really untrue. The same term is borrowed when the poskim discuss a fast for part of the day, even if it is undertaken the day before. On the assumption that this is a valid *taanis*, some have the *minhag* to fast on *Erev Rosh Hashanah* until after midday, rather than breaking the fast right before *Yomtov* begins. However, since it does not necessarily meet the requirements of a valid *taanis*, people who follow this practice do not insert the *taanis* prayers. Others do not specify how long they intend to fast. Most poskim say that the fasts of *Erev Rosh Hashanah* and *Aseres Yemei Teshuva* do not require prior undertaking. Furthermore, they may be observed for a slightly shorter period, until after *mincha*. Nonetheless, many refrain from adding the *taanis* insertion. [See *Taanis* 10a-b 11b-12a 17b 22b 25b Yerushalmi 2:13, Poskim. *Tanchuma Emor* 22. *Hagahos Maimoni* Hl. *Shofar* 1. *Tur Sh Ar OC* 562 569 575:1 etc. 581:2, [MTE 38 46 57] commentaries.]

B) *Chukos hagoy*

An objection is raised to the widespread practice to fast on *Erev Rosh Hashanah*. It gives the appearance of an institutionalized fast. Since it is the day preceding the holiday, two issues are raised. First, some maintain that one should not institutionalize a fast on