

# Reinventing פדיון הבן

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Thesis submitted in partial fulfillment of  
the requirements for Ordination

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Los Angeles, California  
2005/5765

## Acknowledgements

My gratitude goes to Rabbi Richard Levy for his support and encouragement through this thesis process. Without Rabbi Levy's insight and provoking questions this thesis would not have reached the level of inquiry it did. Rabbi Levy has a keen eye for detail and he is an amazing editor. Rabbi Levy kept me on the right path by helping me to discern among the different issues relating to this thesis. Rabbi Levy has also been a wonderful mentor throughout my four years in Los Angeles.

I would like to acknowledge all my teachers at Hebrew Union College for endowing me with the skills necessary for navigating the diverse texts and topics relevant to the rabbinate. Thank you for providing me with sound footing for entering into the rabbinate.

I would also like to thank Professor Sara Lee who supported me through the Education year and for her insight and acknowledgement of my skills and desire to make the most of my five years at HUC-JIR. Without her foresight I would not have received the M.A.J.E.

Lastly, I would like to thank my parents who have supported me through my journeys and transitions. My parents encouraged me to pursue my passion and they stood by me through the difficult and frustrating times. Thank you for believing in me.

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## Introduction

The פדיון הבן ceremony traditionally marks the birth of a firstborn male. The ritual is based on the Biblical passages and then later discussed in the משנה. The rabbis limited the eligibility for the firstborn's redemption from temple service. However, this ceremony has potential for families to mark a transition in their lives.

The first chapter of this thesis is on the meaning of the redemption of the firstborn. It analyses the derivation of the פדיון הבן ceremony in biblical and midrashic sources. Moreover, this chapter considers the use of all encompassing words such as בן-אדם to mean a human being as opposed to only a male. This way of understanding Hebrew terms is important when defining the terms בכור, פדיון and בן.

The second chapter focuses on the role of the כהן and the כהן's function in the פדיון הבן ceremony. Chapter Two investigates the role the firstborn plays in the Temple and its relationship to the priesthood. This chapter discusses the concepts of 'בתי-כהן' and 'במקום-כהן' and raises the possibility for creating honorary positions that reflect the importance of the priesthood to Judaism, while still preserving Reform Judaism's rejection of the priestly hierarchy. One of the main concepts in this chapter is the shift from 'בכור לפנה' to 'בכור לפנה', both of which occur in the same משנה, 8.1. בכורות.

With the third chapter, the thesis focuses on the term פטר רחם, the opening of the womb. The rabbis limit the eligibility of the first issue of the womb for פדיון הבן. According to the הלכה, the child needs to be male, firstborn of its mother through vaginal birth and lastly, the mother must be Israelite. If the child does not fulfill these three requirements then it is ineligible. This chapter challenges these requirements.

The fourth chapter discusses the special role parents have in the ceremony and their growing relationship to their first child. More precisely, this chapter focuses on פדיון הבן as a way of marking the change in status that occurs to a couple once they bear or adopt a first child. It is in this chapter that the redemption of a female child is raised. Much of this chapter includes a discussion of the Conservative תשובה by Rabbi Gerry Skolnik that raises and subsequently rejects the possibility of פדיון הבת.

The fifth and final chapter deals with liturgies for a service of redemption of the firstborn. Beginning with the traditional liturgy, I create a new ceremony based on a reinterpretation of 8:1 בכורות. The significance of the ritual is no longer that the status of the firstborn relates to the redemption from the priestly (כהן) duties but that the child determines the new status of the family, בְּכוֹר לְאִמָּה. It celebrates the family's new status in memory of the Temple.

Since this thesis is titled 'Reinventing פדיון הבן,' it is appropriate to conclude with Chapter 5, on the new liturgy. However, I have included a Postscript to summarise the themes and restate the argument that this thesis has provided the Reform Movement with a viable option for celebrating the changed status of a family newly blessed with a child.

## Chapter One

### The Derivation of the **הבן פדין** Ceremony

To understand the **הבן פדין** ceremony as it is today, it is necessary to consider the origins and the significance of the firstborn. **הבן פדין** literally means redemption of the son. **פדין** means redemption. It is helpful to comprehend the different uses of **פדין** in the Bible to get a broader understanding of the concept.

Two biblical occurrences stand out in their impact on the position of the firstborn. These biblical episodes are significant because they change the firstborn's status, albeit differently. The first occurred when the Israelites were slaves in Egypt and God sent Ten Plagues upon the Egyptians, the last of which was the death of the firstborn. The second of the biblical texts is the Golden Calf incident. The Tenth Plague gave the firstborn special status while the Golden Calf event diminished that status by removing some of the firstborn privileges.

Apart from the Tenth Plague and the Golden Calf episodes, which affected the firstborn status, the following discussion will address some of the details of the firstborn's duties especially in relation to the **משכן**, and later the Temple. The biblical passages describe the relationship between the first offerings and God. Essentially, the Israelites dedicate their first offerings to God. In the list of first offerings are the first outgrowths of a plant, the firstborn of animals and the firstborn of human beings.

## Definition of Redemption

For this thesis, biblical interpretation best understands the term 'redemption' in a sociological context. In the תנ"ך, "*redemption generally refers to the rescue of an individual from a difficult obligation by means of monetary payment.*"<sup>1</sup>

Different uses of the word 'redemption' occur in the Bible. However, two verbs dominate the text. These verbs are used interchangeably. The first comes from the root פ.ד.ה. and the second from the root ג.א.ל. Redemption also connects to the root כ.פ.ר. and the confession which accompanies it. The argument can be made that the process of confessing is a kind of spiritual redemption<sup>2</sup> for the self. Today, when the Temple does not exist, the ceremony of פדיון הבן occurs to some extent in the metaphysical realm as a spiritual link to the Divine, since we are redeeming a child from a Temple that does not exist.

In the Torah, the act of redemption usually occurs with living beings, such as animals or humans.<sup>3</sup> In some instances physical property such as land and houses are also redeemable. The Israelite does not have sole ownership of the land and therefore needs to return it to God, or through God's agent, the original owner, at the Sabbatical (Lev 25:6) and the Jubilee year (Lev. 25:8-23). Slaves are also redeemed or set free during those years. The land and its produce ultimately belong to God. However, an Israelite, the slave

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<sup>1</sup> Unterman, Jeremiah. 1992. Redemption. In *The Anchor Bible Dictionary*, edited by David Noel Freedman. The Anchor Bible Dictionary, vol. 5, O-SH, 650-54. New York: Doubleday p. 650.

<sup>2</sup> Ibid. p. 653.

<sup>3</sup> Ibid. p. 650.



and the animals are permitted to eat of the produce of the land during that year (Lev. 25:12).

Not all animals can be returned to God. Unlike humans, animals do not need to be redeemed in the sabbatical and the jubilee years; at least, the Torah makes no mention of it. It is only the firstborn of clean animals that are consecrated to God. Just as it is unfeasible for every firstborn to work in the Temple, not every animal can be returned to God, and thus must be redeemed.

In the case of the offerings to God and the Temple, monetary payment can reclaim certain offerings. An owner could redeem, with an added 20 percent, an offering of: an unclean animal<sup>4</sup> (Lev 27:9-13, 27), a house (vv 14-15), a field (vv 16-25), and a tithe of the land (vv 30-31)<sup>5</sup>

The connection between slaves, the firstborn and the land is that ultimately none of them truly belongs to their 'guardian.' The landowner and the father of the firstborn do not own their 'property,' it belongs to God. The slave owner cannot own his Jewish slaves in perpetuity. One human being cannot own another forever. In short, redemption is the release of one person from another's service and a return to its rightful owner, the Creator.

### **The Tenth Plague**

The significant role of the firstborn originates from God's tenth plague against the brutality of the Egyptian Pharaoh and his people.

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<sup>4</sup> An unclean animal is unfit for sacrifice and therefore must be redeemed.

<sup>5</sup> Unterman 1992: 651.

Exodus 11:4-6 states:

ד וַיֹּאמֶר מֹשֶׁה כֹּה אָמַר יְהוָה כְּחֻצַּת הַלַּיְלָה אָנִי יוֹצֵא בְּתוֹךְ מִצְרַיִם:  
ה וּמֵת כָּל־בְּכוֹר בְּאֶרֶץ מִצְרַיִם מִבְּכוֹר פַּרְעֹה הַיֹּשֵׁב עַל־כִּסְאוֹ עַד בְּכוֹר  
הַשִּׁפְחָה אֲשֶׁר אַחֲרֵי הָרְחִים וְכָל בְּכוֹר בְּהֵמָה:  
ו וְהָיְתָה צְעָקָה גְּדֹלָה בְּכָל־אֶרֶץ מִצְרַיִם אֲשֶׁר כָּמְחוּ לֹא יִהְיֶה וְכָמְחוּ לֹא תִסָּף:

*"<sup>4</sup>Moses said, "Thus says Adonai: Toward midnight I will go forth among the Egyptians, <sup>5</sup>and every firstborn in the land of Egypt shall die, from the firstborn of Pharaoh who sits on his throne to the firstborn of the slave girl who is behind the millstones; and all the firstborn of the cattle. <sup>6</sup>And there shall be a loud cry in all the land of Egypt, such as has never been or will ever be again<sup>6</sup>"*

We learn from the text that the firstborn is the target of God's wrath because Pharaoh would not free the Israelites. Another reason for God's target of the firstborn Egyptians could be retaliation for Pharaoh's killing of the Israelite male children in Ex. 1:15-17. God is angry because Pharaoh enslaved the Israelites and after sending nine other plagues, Pharaoh still hardens his heart against the Israelite people. Finally, after failed negotiations between Moses and Pharaoh, God sends the tenth and final plague: the death of the firstborn. This text describes that it is not only the firstborn males that are killed, but also the firstborn of the slave girl and the firstborn of cattle. It is because of this tragedy that Moses recounts God's pledge to save the Israelite people in Exodus 13:15:

טו נִהְיִי בִּיהֲקָשָׁה פַּרְעֹה לְשַׁלְּחָנִי וַיִּהְרֹג יְהוָה כָּל־בְּכוֹר בְּאֶרֶץ מִצְרַיִם

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<sup>6</sup> *Tanakh, The Holy Scriptures*, (Philadelphia, Jerusalem: Jewish Publication Society) 1985.

מִבְּכֹר אָדָם וְעַד-בְּכֹר בְּהֵמָה עַל-כֵּן אָנִי זֹכֵר לַיהוָה כֹּל-פֶּטֶר רָחֵם  
חוֹזְרִים וְכָל-בְּכֹר בְּנֵי אִמָּהֶם:

*'When Pharaoh stubbornly refused to let us go, Adonai slew every firstborn in the land of Egypt, the firstborn of both man and beast. Therefore I sacrifice to Adonai every first male issue of the womb, but redeem every firstborn among my sons.'*

The Hebrew 'בכור' literally means 'firstborn male.' However, because the language of the text is in the masculine form, one could interpret it as simply 'firstborn,' while omitting the term 'male.' A common example where this occurs is the use of the terms בני־ישראל and בן־אדם. The former, בני־ישראל, means the people of Israel or the Israelites, not necessarily in the literal meaning, 'the sons of Israel.' The later term, בן־אדם, means human being, not necessarily 'son of man.' Unless the term 'בכור' is used with, or connected with, any form of the word 'זכר', as in the previous text, then it could be translated as 'firstborn' without an assigned gender. We see this in the following text (Exodus 13:2):

קִדַּשׁ-לִּי כָל-בְּכֹר פֶּטֶר כָּל-רָחֵם בְּבָנֵי יִשְׂרָאֵל בְּאָדָם וּבְבֵהֵמָה לִּי הוּא:

*'Adonai spoke further to Moses, saying, <sup>2</sup>"Consecrate to Me every firstborn; human and beast, the first issue of every womb among the Israelites is Mine."*

We also learn from this text that the inclusion of the clause 'פטר כל־רחם' states precisely which child is suitable for redemption. The eligible child is the firstborn male who opens

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<sup>7</sup> Ibid.

his mother's womb. Chapter 3 will consider the ideas associated with 'פטר כל־רחם' and 'פטר רחם' more closely.

### Golden Calf

Initially, the firstborn received special privileges from the Tenth Plague incident. Then, the episode of the Golden Calf in Exodus brought changes to those special privileges. Because of Aaron's role with the Golden Calf, God gave Aaron and his descendants an important role in the building and the maintenance of the *משכן* and subsequently the Temple (see chapter 2).

The Midrashic genre of Jewish literature explains Aaron's role in the building of the Golden Calf. The rabbis in the Midrash wanted to disassociate Aaron from the Golden Calf and hence they gave a reason for Aaron's involvement. Essentially Aaron did all he could to delay the building of the calf, even if it meant building it himself.

*When the people were on the point of building an altar, Aaron tried to gain time in the hope that Moses' descent was imminent. He insisted on building the altar himself, claiming that the sacred character of the work demanded that it be done exclusively by himself. He then deliberately prolonged the building of the altar to the maximum extent possible (Ex Rabbah 41:7, Lev. Rabbah 10:3)<sup>8</sup>.*

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<sup>8</sup> Smolar, Leivy, and Moshe Aberbach. 1968. The Golden Calf Episode in Post Biblical Literature. *Hebrew Union College Annual* 39 p.110

In the next text, Smolar and Aberbach<sup>9</sup> state that God punishes the Israelites for their role with the Golden Calf. The firstborns lost their sacerdotal privileges to the כהנים who received the exclusive of working in the מִשְׁכָּן and subsequently the Temple. The cultic duties included the redemption of the firstborn male.

*Another punishment immediately imposed on the Israelites was the loss of their sacerdotal privileges. Referring to Exod. 19.6 - "Now, you shall be unto me a kingdom of priests" - an early halachic Midrash maintains that the Israelites had been worthy of enjoying the right to eat consecrated food. Once they had made the Golden Calf, however, they forfeited this privilege, which was henceforth reserved exclusively for the (Aaronide) priests<sup>10</sup>.*

#### **First Offerings: child, animals and fruit**

The first offerings of fruit, animals and humans receive their special status in Biblical texts. This next section will look at the special status of the first fruits, the firstborn of animals and the firstborn of human beings. Establishing the importance in of these 'firsts' enables us to ultimately grasp the significance of the firstborn child and later its connection with פדיון הבן.

Beyond the implications of the Tenth Plague and the Golden Calf, the firstborn received special status in connection to the Temple. The first offerings of the land are consecrated to God as stated in the following text (Nu. 18:13):

יג בְּבוֹרֵי כָּל-אֲשֶׁר בְּאֶרֶץ אֲשֶׁר-יָבִיאוּ לִיחֻנָּה לָּךְ יִחַנָּה כָּל-טָהוֹר  
בְּבִיתְךָ לְאֹכְלָנָּה:

<sup>9</sup> Ibid.

<sup>10</sup> Mekhilta on Exod. 19:6; ed. Friedmann 63a; edit. Horowitz-Rabin 209; edit. Lauterbach II, 205

<sup>13</sup>*The first fruits of everything in their land, that they bring to Adonai, shall be yours; everyone of your household who is clean may eat them.*

"The first fruits of everything in their land..." The 'first fruits' refer to the first produce of crops, whether it is of the vine or the grains. The כהנים are unable to grow them because they work solely in the Temple and have no means to earn an income. Therefore, they have to rely on others for their livelihood. The priests also receive fruits from the offerings for their consumption. From a farming perspective, the first fruits of a tree are not the tastiest or of the highest quality. Mature vines and crops yield better produce. However, from an economical point of view, the farmer needs to wait another year before earning income from their crops, the first fruits of their labour.

In reference to animals, the text (Nu. 18:17-18) states:

וְאֵדָּה בְּכוֹר־שׁוֹר אֶדְּבָכֹר בְּשֶׁבַע אֶדְּבָכֹר עֹז לֹא תִפְדֶּה קֹדֶשׁ הֵם אֶת־דָּמָם  
תִּזְרֹק עַל־הַמִּזְבֵּחַ וְאֶת־חֵלְבָם תִּקְטִיר אֵשָׁה לְרִיחַ נִחֻחַ לַיהוָה:  
יֶחֱבֹשָׁם יִהְיֶה־לָּךְ כַּחֲזֶה הַתְּנוּפָה וְכִשּׁוֹק הַיָּמִין לְךָ יִהְיֶה:

<sup>17</sup>*But the firstlings of cattle, sheep, or goats may not be redeemed; they are consecrated. You shall dash their blood against the altar, and turn their fat into smoke as an offering by fire for a pleasing odor to Adonai.* <sup>18</sup>*But their meat shall be yours: it shall be yours like the breast of elevation offering and like the right thigh.*

Moreover, the sacrifice uses the inedible part of the animal while the priest's allotment is edible. In some way, the consumption of the entire animal takes place. The כהנים receive

the edible portions. The text specifies the animals consecrated to God and to the כהנים. It also sets up the next discussion, which relates to the firstborn.

The criterion for the firstborn human child is that he needs to be the first issue of a womb. The firstborn male child is the only firstborn living being exempted from God's service<sup>11</sup>. This is different from the fruit and the animal as it is in a sense a 'contract' between God, the כהנים and the Israelites. A special provision exists which allows for the child's redemption. In essence, the father can 'buy back' or redeem the firstborn by giving the priest money in lieu of the child. In this contract, ultimately, both the priest and the father benefit. The father keeps his child and the priest receives his remuneration. In addition, if there are too many firstborns working in the Temple, then the Temple could face overstaffing issues. Logic tells us, however, that there were more firstborn sons than כהנים. In order to permit the excess firstborn sons to be relieved of their sanctity, the ceremony known as פדיון הבן was introduced<sup>12</sup>.

The biblical text stipulates the monetary value for פדיון הבן. The amount of five shekels is the redemption value for the child as Number 3:44, 18:15-16 states:

טו כָּל־פֶּטֶר רֶחֶם לְכָל־בָּשָׂר אֲשֶׁר־יִקְרִיבוּ לַיהוָה בְּאָדָם וּבְבִהֵמָה יִהְיֶה־לָּךְ אֶדָּה  
פָּדָה תִּפְדֶּה אֶת בְּכוֹר הָאָדָם וְאֶת בְּכוֹר־הַבִּהֵמָה הַטְּמֵאָה תִּפְדֶּה: טו וּפְדוּיָו  
מִבְּיֹרֶחַדָּשׁ תִּפְדֶּה בְּעֶרְכָּךְ כֶּסֶף חֲמִשָּׁת שְׁקָלִים בְּשֶׁקֶל הַקֹּדֶשׁ עֶשְׂרִים גֶּרָה הוּא:

<sup>15</sup>*The first issue of the womb of every being, man or beast, that is offered to Adonai, shall be yours; but you shall have the firstborn of man redeemed,*

<sup>11</sup> Slaves are also redeemable. However, the difference lies in the fact that they are not dedicated to God.

<sup>12</sup> Cohen, Eugene J. 1984. *Guide to Ritual Circumcision and Redemption of the First-Born Son*. New York: Ktav p. 77

*and you shall also have the firstling of unclean animals redeemed. <sup>16</sup>Take as their redemption price, from the age of one month up, the money equivalent of five shekels by the sanctuary weight, which is twenty gerahs (Nu 18:15-16).<sup>13</sup>*

An interesting addition to this text is the phrase 'from the age of one month up.' Previous texts did not stipulate the age of the firstborn. It was decided at the age of 31 days, all firstborn male Israelites were redeemable with the amount of five shekels, by the father.<sup>14</sup> Among Sephardim, the custom is to redeem with silver or gold articles. It is not permissible to use bank notes or the like for redeeming the firstborn<sup>15</sup>. The rabbis also discuss the weight of the shekel to ensure consistent value<sup>16</sup> for the redemption price. The previous texts affirm that the firstborn has special status; however, the text does not explain why the firstborn belongs to the Temple. Chapter Two will investigate the role the firstborn plays in the Temple and its relationship to the priesthood.

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<sup>13</sup> *Tanakh, The Holy Scriptures*, (Philadelphia, Jerusalem: Jewish Publication Society) 1985.

<sup>14</sup> Unterman, 1992:651.

<sup>15</sup> Rubenstein, Shmuel. 5734. *The Jewish Court - The Commandment of Interest - Pidyon Habain*. Bronx, New York: S. Rubenstein p.19

<sup>16</sup> "There are several views amongst the rabbis as to the weight of five silver shekalim. Some say it amounts to 124 grams while a second opinion holds that it is 109 grams. A third view is 94 grams. The second opinion has been accepted. In Israel a special coin of 10 Lira has been minted for פדיון הבן. The front side is marked 10 Lira while on the back side appears the verse pertaining to פדיון הבן. Each coin weighs 22 grams of silver and 5 fulfill the mitzvah." Rubenstein 5734:19. The Bank of Israel minted coins (dates 1970-1977) in the 10 and 25 Lira denomination. These coins are still used today. The cost of 5 coins depends on the market cost of 109 grams of silver. Some communities such as the South African Jewish community minted their own coins.



## Chapter Two

### The Significance of the כהן in the חבן פדיון Ceremony

The כהן plays an instrumental role in the חבן פדיון ceremony. In fact, without the כהן the חבן פדיון ceremony cannot occur. The כהן, even today, represents Temple ritual and sacrifices. The כהן symbolizes the hierarchy of the Temple and its Divine connection.

This chapter focuses on the כהן's role and the hierarchy of the priestly system. Through challenging traditional notions of the כהן's role, we find that the position today is more symbolic than functional and hence open to interpretation.

#### Purity of the כהנים

The כהן faced many prohibitions in ritual and ceremonial life to ensure the sacredness of his role in the Jerusalem Temple Service. It was necessary for the כהן to be in a state of purity. To ensure the כהן's state of purity, he was prohibited from coming into contact with the dead or even under the same roof as the dead (Lev 21:1) except for the כהן's close relatives (YD 373:3, Lev 21:1-4). Moreover, the purity laws prohibited the כהן from shaving his head and side growths. Gashing oneself was also prohibited to the כהן (Lev 21:17-21).

Marriage too can affect the purity state of the כהן. A כהן may not marry a divorcee, a defiled woman, or a harlot (Lev. 21:17-18) as he must not defile himself. A כהן must

only marry a woman from a permitted category as they are considered pure and their lineage is knowable<sup>17</sup>.

Some of the laws regarding כהנים seem to have relaxed over time. In some Conservative communities, כהנים may marry divorcees and proselytes<sup>18</sup>. The rabbis reduced the definition of a harlot into a limited category that prevents most women from being defined as a harlot<sup>19</sup>.

The purity of the priestly line is difficult to confirm for many כהנים because of historical events. Today, even to bear the name כהן or a form of it, is not a guarantee they someone is a member of the כהן caste. Because of this situation, the Orthodox movement maintains '*all the rights and privileges of the כהן, as well as the prohibitions*<sup>20</sup>,' and '*they are in full force [rights and privileges] where they are applicable*.<sup>21</sup>

Because of their interpretation of תורה, the Conservative movement allows כהנים to marry divorcees. Some Conservative congregations under the guidance of their rabbis, knowing that a כהן cannot prove his or her lineage, still give preference to כהנים and לויים<sup>22</sup> within the תורה service. Furthermore, within the liturgy of the עמידה, the

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<sup>17</sup> For details on permitted and forbidden marriages to the כהנים, see Klein, Isaac A Guide to Jewish Religious Practice, pg. 387-289

<sup>18</sup> Law Committee of the Rabbinical Assembly (Friedman, Theodore, chairman. "Committee on Jewish Law and Standards, Teshuvah." Proceedings of the Rabbinical Assembly 18 (1954) pp. 55-61.)

<sup>19</sup> Shulkhan Arukh, Even HaEzer 2:9ff

<sup>20</sup> Encyclopedia Judaica – CD Rom: The Significance of the Temple For the People

<sup>21</sup> Encyclopedia Judaica – CD Rom: The Significance of the Temple For the People

<sup>22</sup> For example, Congregation Beth Yeshurun in Houston, Texas maintains aliyot for כהנים and לויים.

Conservative movement includes the **ברכת כהנים** but limits it to part of the reader's repetition<sup>23</sup>.

The situation then is that the position of **כהן**, whether during **קריאת התורה** or in the **פדיון חבן** ceremony, becomes a symbolic reminder for the Jewish people of a particular time in history, the First and Second Temples. When we see the **כהן** performing a rite, we collectively transport ourselves back in time to a ceremony and moment of the **כהן**'s greater role.

### Hierarchy

The **כהן** hierarchy is as follows: **גדול כהן, כהן, לויים** and **ישראל**. The position of **גדול כהן** no longer exists in today's society because there is no Temple. In certain circumstances, however, the other positions such as those of the **כהן, לוי** and **ישראל** still exist, in part, today. The **כהן**'s function emerges within and without the synagogue ritual.

The three daily prayer services mirror the three daily sacrifice services in the Temple. The sacrifices were physical while prayer was **עבודה שבלב**, the service of the heart. The **תורה** service too mirrors the Temple ritual in its hierarchical nature. There is a specific order to the **תורה** Reading. The order of call-ups to the **תורה** is as follows: the **גבאי**<sup>24</sup> calls the **כהן** for the first **עליה**, the **לוי** for the second, and an **ישראל** for the third and

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<sup>23</sup> Harlow, Jules. Siddur Sim Shalom : a prayerbook for Shabbat, festivals, and weekdays. United Synagogue of Conservative Judaism, New York 1985 p 120

<sup>24</sup> The **גבאי** manages the affairs of the synagogue and worship, distributing honors, especially at the Reading of the **תורה**. It is usually a lay appointed position.

succeeding prescribed עליות<sup>25</sup>. The כהן because of his important role in the Temple is given the prominent position within the call up hierarchy. The Talmud comments that this order is "for the sake of peace," or 'מפני דרכי שלום'<sup>26</sup>.

### **The Role of the כהן after the destruction of the Temple**

Between the destruction of the first Temple in 586 B.C.E. and the destruction of the Second Temple in 70 C.E., the role of the כהן changed. The First Temple was 'regarded as the national center'<sup>27</sup>, and it was the place where the ark was housed. Moreover, the Temple site was considered the place of revelation of the Divine Presence and therefore the center of prayer<sup>28</sup>.

By the time of the Second Temple, the people had come to view the edifice somewhat differently. Even though the Temple was still the primary place of worship and cultic practice, more people began to gravitate toward the synagogue<sup>29</sup> and the houses of study of תורה. Shmuel Safrai<sup>30</sup> states:

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<sup>25</sup> Shulkhan Aruch, Orech Hayim . 135:3

<sup>26</sup> Gittin. 59a

<sup>27</sup> Encyclopedia Judaica – CD Rom – Temple: The Significance of the Temple For the People

<sup>28</sup> Encyclopedia Judaica – CD Rom – Temple: The Significance of the Temple For the People - (I Kings 8:22–53; cf. Josh. 7:6–9; I Sam. 1:10–16; II Sam. 7:18–29).

<sup>29</sup> In the first century, the synagogue emerges as a well established institution. It became the center of the social and religious life of the people, existing alongside the Temple. Encyclopedia Judaica – CD Rom – Synagogue: Origins and History.

<sup>30</sup> Encyclopedia Judaica – CD Rom – Temple: The Significance of the Temple For the People

*In the course of time the Temple worship, which centered around the sacrificial rites, lost some of its position as the sole means by which the religious and communal life of the nation could find expression.*

The priests' role diminished somewhat between the first and second temples and it lessened even more after the destruction of the second Temple in 70 C.E.. At this time, the 'rabbinic' period was developing that saw a shift of authority from the priest to the rabbis and from the Temple to the synagogue. The כהנים and the לויים lost their power as their lives focused on the Temple.

Out of respect for the כהנים and the לויים the rabbis retained some of the priest's privileges in the synagogue and community. The rabbis reserved the first two עליות to the תורה for the כהן and לוי respectively and the remaining עליות each Sabbath and weekday were to be for ישראל. As we read in the preceding section on 'hierarchy', we see that the hierarchy of the Temple still exists in part today.

#### **כהן in the פדיון הבן ceremony**

The כהן performs the פדיון הבן ritual because of the significance of the ceremony. The ceremony begins<sup>31</sup> with the parents carrying the child on a tray to present<sup>32</sup> to the כהן. The father then states that the child is the first born of the mother and then he quotes the biblical verses from Numbers 3:46-51. The father gives the priest five shekels in lieu of

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<sup>31</sup> Goldin, Hyman E. *Hamadrikh*. New York, 1939 p.52

<sup>32</sup> Skolnik, Gerald. "Should There Be A Special Ceremony in Recognition of a First-Born Female Child?" In *Responsa*, edited by Kassel Abelson and David J. Fine, 163-65. Responsa, vol. 1991-2000. New York: The Rabbinical Assembly, 04/10/15, 1993. p. 111-112

his son's service in the Temple and to God. In the absence of a כהן's ability to prove his heritage, some authorities suggest that the כהן return<sup>33</sup> the money to the father after the ceremony.

It is interesting that this ceremony still exists, since unlike the ברית מילה<sup>34</sup> ceremony, which symbolizes the continuing covenant between God and the Israelites, and which began with Abraham, the פדיון הבן ceremony connects directly with worship in a long destroyed Temple. The difference between these two ceremonies is that the ברית מילה is a sign of the covenant that does not rely on an intermediary (except for a מוהל); it is between the father of the child and God. Moreover, the ברית מילה ceremony is performed on all<sup>35</sup> male children on the 8<sup>th</sup> day and it is seen as an irreversible<sup>36</sup> sign of a male child's Jewish identity.

Many families in Orthodox and Conservative Judaism still participate in the ritual of פדיון הבן because it is a Temple ceremony. Orthodox and Conservative Jews see פדיון הבן as a legitimate means of recognizing the ancient Temple and the priestly caste. However, the Conservative Movement like the Reform Movement does not believe in the rebuilding of the Temple. Moreover, many of the Orthodox and Ultra-Orthodox communities, who pray for the rebuilding of the Temple in Jerusalem, may view this

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<sup>33</sup> Shulkhan Arukh. Yoreh Deah 305:8 and 306

<sup>34</sup> (LEV 17:ff) <sup>9</sup>God further said to Abraham, "As for you, you and your offspring to come throughout the ages shall keep My covenant. <sup>10</sup>Such shall be the covenant between Me and you and your offspring to follow which you shall keep: every male among you shall be circumcised. <sup>11</sup>You shall circumcise the flesh of your foreskin, and that shall be the sign of the covenant between Me and you. <sup>12</sup>And throughout the generations, every male among you shall be circumcised at the age of eight days... (JPS Translation)

<sup>35</sup> Unless health issues prevent the circumcision

<sup>36</sup> It is possible to have the circumcision reversed

ceremony as an important Jewish life cycle event. It is also preparation for the re-establishment of Temple worship and ritual practice. For these reasons, most members of the Reform Movement refrain from the פדיון הבן ceremony. Reform Judaism, while it respects the role the Temple played in Jewish history does not believe in following many of the practices still followed which perpetuate the hierarchy of the priestly system.

### **Children of כהנים and לויים**

The Biblical text<sup>37</sup> (Nu. 18:15-16) states that the firstborn belongs to God and therefore the firstborn is dedicated to Temple service. Because limits surround the redemption of the firstborn, not every firstborn can work in the Temple. Many firstborns are ineligible for Temple service and therefore they are exempt from the פדיון הבן ceremony.

During the Temple's existence (70 C.E.), the children of the כהנים and לויים were ineligible for פדיון הבן as they already worked within the Temple setting. The firstborn of the daughter of a כהן or לוי is also ineligible for פדיון הבן even if she is married to an Israelite (Y.D. 305:18) as the daughter's lineage is כהן and all כהנים and לויים are exempted because they were obligated in the wilderness<sup>38</sup>. The mother's marriage to a כהן or לוי also prohibits the child from having a פדיון הבן ceremony. In the situation where the identity of the child is in doubt, then the child is ineligible. For example, in the case of rape where the father's lineage or identity is difficult to establish or in the case of adoption; *'if his*

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<sup>37</sup> See Chapter One for more details

<sup>38</sup> Num 3:45 – "Take the Levites [and כהן] in place of the firstborn among the people of Israel.

*natural father is a כהן or Levite, his is also; the status of his adoptive father is irrelevant*<sup>39</sup>. The children in both cases are ineligible for פדיון הבן.

When the Temple was functioning, it was impossible for every firstborn to work in the Temple, therefore the fathers needed to redeem their firstborn from their service to the Temple. The biblical reference states that the father must give five shekels for the redemption of his son for the son's freedom from Temple service. The rabbis later established that if the father did not redeem his son, then the son, when he reaches the age of maturity redeems himself<sup>40</sup>. According to Moses Isserles's gloss on the ערוך <sup>41</sup> a small medallion bearing the inscription 'בן בכור' was hung around the neck of such a child. *"It later became customary, however, for either the rabbinical court (בית דין) or one of the child's male relatives to redeem him"*<sup>42</sup> thus exempting the child from redeeming himself.

The question that remains is: why did the פדיון הבן ceremony remain after the destruction of the Second Temple? This ceremony can stand alone outside of the Temple structure. It does not rely on the Temple for authority even though it connects to the Temple. The community sees the rite as an acceptance of the special status of the child as consecrated to God, with a significant position in the family. Ultimately, I think it still exists today because of its connection and dedication to God. If these are the reasons for the פדיון הבן ceremony existing after the destructions of the Second Temple then surely,

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<sup>39</sup> Klein, Isaac. 1979. *A Guide to Jewish Religious Practice*. New York: The Jewish Theological Seminary of America, p436

<sup>40</sup> Kiddushin 29a

<sup>41</sup> Yoreh Deah 305:4

<sup>42</sup> Editorial Staff Encyclopedia Judaica:1308



within the Reform context, it can be open for interpretation, some of which I will address later.

## במקום כהן

Within the synagogue, the reading of the תורה mirrors Temple hierarchy. When the גבאי calls the כהן for the honoured position of first עליה, if there is no כהן present, capable<sup>43</sup> or eligible<sup>44</sup> to come for the first עליה, then the Levite is called up under the rubric of 'במקום כהן.' Essentially, someone else represents the כהן, or literally, stands in the place of the כהן (O.H. 135:6).

In the case of the תורה reading, if no Levite is available and there are eligible כהנים, then the כהן takes the 2<sup>nd</sup> עליה too (O.H. 135:8). When both the כהן and the Levite are absent, the Israelite is called for the עליה.

The final ברכה in the עמידה, the ברכת כהנים/שלוש<sup>45</sup>, is recited aloud by the reader in the repetition of the עמידה. In the Diaspora, the reader says the short כהנים ברכה, primarily verses from Numbers 6:24-26. The long blessing is offered by the כהנים in the Festival Musaf Service. In Israel, however, the כהנים recite the long blessing, in the daily service, over the congregation<sup>46</sup>.

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<sup>43</sup> A כהן who is not yet 13 years, or one that is too ill to recite the blessings.

<sup>44</sup> A כהן who might have given up his כהן status for example if he married a divorcee

<sup>45</sup> The traditional service includes a longer version on holidays.

<sup>46</sup> Daniel Landes in Hoffman, Lawrence A. *The Amidah*. My People's Prayer Book, vol. 2, no. 1. Lawrence A. Hoffman, gen. ed. Woodstock, Vermont: Jewish Lights Publishing, 1998 p.176, 181

Reform Jewish liturgy omits the long כהנים ברכת for two reasons: first, as Ellenson states, *"it asserts Mosaic authorship of the Pentateuch; second, it affirms the prerogatives of the priesthood..., which Reform Judaism<sup>47</sup> replaced with the notion of the virtual priesthood of all Jews<sup>48</sup>."* The significance of Ellenson's statement and recognition that all Jews are part of the 'virtual priesthood,' could allow an Israelite to stand in place, במקום-כהן. However, this does not resolve the fact that Reform Judaism does not recognise the traditional notion of the priestly caste. Reform Jews, through our emphasis on equality between all Jews, carry the 'spiritual legacy of all Jews<sup>49</sup>.' Reform Judaism believes in "וְאַתֶּם תְּהִיְוּ לִי מְמִלְכָּת כֹּהֲנִים וְגוֹי קֳדוֹשׁ" - And you shall be to me a kingdom of priests, a holy nation.<sup>50</sup> Within Reform Judaism each individual is considered part of the priesthood and part of the holy nation. A new understanding of the idea that all of Israel are priests adds greater fluidity in the interpretation of the priestly system and could make the priest's role in פדיון הבהן more agreeable to Reform Judaism. If we are all כהנים then surely it is possible that we can all stand במקום-כהן.

## בת-כהן

Beside the Levite who is eligible to stand in for the כהן in the תורה service, a בת-כהן can stand in for a כהן and perform the פדיון הבהן ceremony. Orthodox authorities,

<sup>47</sup> David Ellenson refers to the 1885 Pittsburgh Platform in Hoffman 1998:181

<sup>48</sup> Ellenson, David in Hoffman 1998

<sup>49</sup> Hoffman 1998:182

<sup>50</sup> Exodus 19:6

however, did not allow this possibility. Conservative Movement *halakhists* permit the *בת-כהן* to perform the *הבן פדיון* ceremony<sup>51</sup>.

In *Sefer Hachinuch* Mitzva 392, it states that the *בת-כהן* receives some of the privileges of the *כהן*. In the following situation, we find that the husband of a *בת-כהן* received the *הבן פדיון* money on behalf of the wife

*'As demonstrated through her partaking in the matanot kehuna<sup>52</sup>, a בת-כהן inherits a connection to the Kehuna, although her Kehuna privileges are not on as high a level as those of the male כהנים. She has an unconditional right to some of the holy foods, but the תורה affords her a lower level of claim, or no portion at all, in the foods of higher kedusha.*

*However, it is not only the food portions in which a בת-כהן may partake. In Kidushin 8a, the Gemara says that R' Kahana accepted money for הבן פדיון, a privilege of the כהן. Tosfot there explain that R' Kahana was not a כהן, but he accepted the money "on account of his wife". This is the same language which was used in connection to those non-כהנים who were granted the right to eat matanot because of their wives' right to them. It seems that R' Kahana's wife, a בת-כהן, held some claim of her own on the הבן פדיון money even though it was conventionally a male כהן who*

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<sup>51</sup> Skolnik: 1993. p. 163

<sup>52</sup> The Gemara goes on to discuss that not only a כהן, but also a בת-כהן, has the privilege of eating the *matanot*. Not only that, but we see that a בת-כהן can transfer this right to her husband, who would not have eaten from the *matanot* otherwise. There is a Beraita that appears several times in the Gemara, which lists some Amoraim who, though they were not כהנים, ate *matanot* because their wives were בנות-כהנים. The Gemara uses the phrase "ate on account of his wife". This implies that even after a Yisrael is married to a בת-כהן, he is not given an intrinsic right of his own to the *matanot*. The Gemara classifies his eating the *matanot* as on account of, or as representative of, his wife, who still holds a higher level of right to this holy portion than he does. (Chulin 132a, Baba Kama 110a, and Psachim 49b)

*accepted the money. Traditionally, though, only a male may accept the money, and that is why the בת-כהן needed her husband to act as her representative.<sup>53</sup> "*

There is little or no debate over the question if a כהן is absent or unavailable to perform the חבן פדיון ceremony. A possibility then, is to consider the notion that a non-כהן could stand in (במקום-כהן) for the כהן in the כהן's absence. If we follow this line of reasoning, the people who are eligible to stand in for the כהן are the Levites and the בת-כהן or even an Israelite.

### **Conservative Movement**

While the Conservative Movement views Jewish law as binding, it also views *Torah* as a cultural document that '*...has always responded to changing historical conditions and that can therefore be studied with all the resources available for the study of any human creation*<sup>54</sup>. Like Reform Judaism, Conservative Judaism does not believe in the rebuilding of the Jerusalem Temple. This allows for the redefining of certain biblical concepts.

Conservative Judaism allows the authority '*for religious practice in each congregation to reside in its rabbi (its mara d'atra)*<sup>55</sup>.' The Rabbinic Assembly's Committee on Jewish Law and Standards sometimes departs from classical Jewish

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<sup>53</sup> Sefer Hachinuch Mitzva 392, by Rabbi Aharon HaLevi of Barcelona

<sup>54</sup> Gillman, Neil. *Conservative Judaism*. New Jersey: Behrman House, 1993 p. 157

<sup>55</sup> Emet Ve-Emunah 1990:25

practice. Some of these departures include the ordination of women, driving on שבת, and, somewhat relevant to this chapter, the marriage of a כהן to a divorcée and a proselyte<sup>56</sup>.

## Reform Movement

It is difficult for the Reform Movement to accept any ritual or idea connected to the Temple ritual and hierarchy. The Temple symbolizes an ancient time that was filled with sacrifices and hierarchy. With the destruction of the Second Temple in 70 C.E., Judaism changed significantly and developed into a Judaism governed by the rabbis, otherwise known as Rabbinic Judaism. The mode of worship changed from sacrifices or עבודה to synagogue-centered services, עבודה שבלב or service of the heart. These changes affected the כהן's role, changing it into a symbolic position.

Reform Judaism does not reject the Temple per se and its place in Jewish history; but neither does it want the reestablishment of the Temple and its practices. Reform Jewish ideology exists on the basis that the Temple does not exist. As a result, ceremonies that rely on the status of the כהן, such as the פדיון הבן ceremony, do not have a place within the Reform context because of what is written in Article 3 of The Philadelphia Principles of 1869. According to Article 3 one of the reasons the Aaronites existed was to be *'preparatory steps for the true priestly service of the whole people which in fact began with the dispersion of the Jewish nation. For inner devotion and ethical sanctification are the only pleasing sacrifices to the All-Holy One. These institutions which laid the groundwork for the higher religiosity went out of existence once and for all when the*

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<sup>56</sup> Law Committee of the Rabbinical Assembly (Friedman, Theodore, chairman. "Committee on Jewish Law and Standards, Teshuvah." Proceedings of the Rabbinical Assembly 18 (1954) pp. 55-61.

*second Temple was destroyed. And only in this sense ... may they be mentioned in our prayer*<sup>57</sup>. Therefore, any Jew can stand in for the כהן as a representative of the Temple, it's hierarchy and its importance to the Jewish people. However this should only be performed symbolically with full acknowledgement that *'Any distinction between Aaronite and non-Aaronite in relation to religious rights and obligation has therefore become inadmissible, both in ritual and in life.'*<sup>58</sup>

To neglect the ceremony of פדיון הבן on this basis is not reason enough. In fact, for some Reform traditionalists, it may be even distasteful that we as Reform Jews have actively neglected<sup>59</sup> this ceremony marking a life cycle event.

Yet, if we accept the premise that because the Temple no longer exists and the כהן is unable to perform the Temple duties, the כהן plays only a symbolic role in the synagogue, as suggested by Article 3<sup>60</sup>, then it is feasible to consider a new or reinterpreted פדיון הבן ceremony. Liturgy can be created acknowledging the history of the Temple and the כהן's role therein. Nonetheless, to experience the importance the firstborn received during the Temple's existence<sup>61</sup>, we may need to look at the role the firstborn plays in the family today.

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<sup>57</sup> Meyer, Michael A., and Plaut, W. Gunther. *The Reform Judaism Reader*. New York: UAHC Press, 2000, Article 3 p. 196

<sup>58</sup> Article 4, Meyer, Michael A., and Plaut, W. Gunther. 2000, p. 196

<sup>59</sup> Some Reform families have done a Pidyon haBen ceremony amending the liturgy and the format to accommodate egalitarian and other contemporary issues. Therefore, it is not totally neglected, but it is certainly not part of the normal practice or even within the grasp of consciousness of the thinking of many Reform Jewish families.

<sup>60</sup> Article 3, Meyer, Michael A., and Plaut, W. Gunther. 2000, p. 196

<sup>61</sup> I will discuss this more in Chapter Four

An option is suggested by the idea of במקום־כהן. במקום־כהן would allow the position of the כהן to be filled by Israelites in an honorary capacity. The historic institution of the כהן can still be acknowledged.

## Chapter Three

### פטר רחם

One of the conditions of the פדיון הבן ceremony is פטר רחם, the first release, or the first issue, of the womb. The תורה states that the first born is sanctified to God's service. The משנה<sup>62</sup> expands and limits the definition of the firstborn and his eligibility for פדיון הבן. The nature of the firstborn of the womb is complicated by the manner in which the baby is born. This chapter will analyze the issues surrounding pregnancy and childbirth. These include natural childbirth, caesarean, abortion, miscarriage, and ectopic pregnancy. The nature of these birth issues either endorses or hinders the child's eligibility for redemption. However, before we address the events surrounding birth, it is necessary to clearly understand the terms involved in the firstborn of the womb or פטר רחם.

#### Definition of Terms

The term 'פטר' is a technical term. We find the terms 'פטר' and 'רחם' in the Hebrew Bible in the phrases 'פטר כל-רחם'<sup>63</sup> and 'כל-פטר רחם'.<sup>64</sup> A terminological difference occurs between the two phrases. The former, with the addition of 'בכור', is used with humans, while the latter is often used in association with animals. Both phrases convey the idea that the first release of the womb must be dedicated to God.

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<sup>62</sup> M. Bekhorot 8:1ff

<sup>63</sup> Exodus 13:2

<sup>64</sup> Exodus 13:12,15



Exodus 34:19-20 states:

יט כָּל-פֶּטֶר רֶחֶם לִי וְכָל-מִקְנֶה תִּצְדָּר פֶּטֶר שׁוֹר וְשֶׂה:  
כ וּפֶטֶר חֲמוֹר תִּפְדֶּה בִּשְׂה וְאִם-לֹא תִפְדֶּה וְעִרְפָּתוֹ כָּל בְּכוֹר  
בְּנֶיךָ תִּפְדֶּה וְלֹא-יֵרָאוּ פָנַי רִיקִים:

*<sup>19</sup>Every first issue of the womb is Mine, from all your livestock that drop a male as firstling, whether cattle or sheep. <sup>20</sup>But the firstling of an ass you shall redeem with a sheep; if you do not redeem it, you must break its neck. And you must redeem every first-born among your sons. None shall appear before Me empty-handed.<sup>65</sup>*

The root of the term 'רחם' is ר.ח.ם. and it forms two connected meanings in the Hebrew Bible<sup>66</sup>. The first<sup>67</sup> meaning of the root is 'compassion' and 'love' while the second<sup>68</sup> meaning is 'womb, uterus, and female genitalia.' This paper will use the later definition, 'womb.' The full term 'פטר רחם' can be translated as the "release [of child] from the womb."

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<sup>65</sup> *Tanakh, The Holy Scriptures*, (Philadelphia, Jerusalem: Jewish Publication Society) 1985.

<sup>66</sup> Botterweck, G Joannes, Helmer Ringgren, and Heinz-Josef Fabry. *Theological Dictionary of the Old Testament*. Translated by David E. Green. Qos-Raqia, vol. XIII. Grand Rapids, Michigan: William B. Eerdmans Publishing Co., 04/11/10, 2001p. 454

<sup>67</sup> Ibid.

<sup>68</sup> Ibid.

### **First male issue of the womb – Natural childbirth**

According to הלכה<sup>69</sup>, the requirement of the פדיון הבן ceremony is that the first issue of the womb, 'פטר רחם', has potential eligibility for redemption<sup>70</sup>. I say 'potential' because not every first issue of the womb is redeemable. The rabbis limited which firstborns can be dedicated to Temple service.

The firstborn of the womb must occur through natural childbirth. The baby must pass through the vaginal canal and emerge alive. Subsequently, the child must survive for thirty days. On the 31<sup>st</sup> day the father redeems the child from Temple service. If the father is unable to redeem this child on this day because it is Shabbat or for health reasons of the child, then the ceremony may be delayed, but it must be held as close to the 31<sup>st</sup> day as possible<sup>71</sup>.

The משנה<sup>72</sup> is precise in its description of who is the first born child. The first born is the male child, but it is specifically the first born of the mother, not the father (see chapter 1).

### **The Roles of the Father and the Mother**

The הלכה establishes that the redemption of the first child to open the mother's womb occurs only when both the mother and the father of the child are Jews.

Traditionally, it is the father's כבוד to redeem his son. The הלכה<sup>73</sup> states:

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<sup>69</sup> Kiddushin 29a, Bekhorot 49b

<sup>70</sup> Kiddushin 29a, Bekhorot 49b

<sup>71</sup> Cohen 1984:87

<sup>72</sup> M. Bekhorot 8:1



*delegate the responsibility to his wife in instances when he cannot be home at the proper time for the redemption of the first born son.*"<sup>78</sup>

Grandparents are also permitted to redeem the first born in the event the father is unwilling or unable to perform this מצוה. This possibility is supported by a case cited in ארוגת הבשם<sup>79</sup> of a father who needed to leave home for military reasons. This would also be true in tragic circumstances when the father dies before he is unable to perform the מצוה. It is interesting to note that the grandparents are suggested to do the redeeming without a discussion about the mother -- perhaps, because Yoreh Deah 305:2 stipulates that the mother is not obligated in this מצוה or because the פני מבין<sup>80</sup> allows the father to delegate the responsibility to his wife.

In the case where the father is unable or reluctant to perform the מצוה of מילה ברית, ברית מילה, the בית דין can order the father to carry out the מצוה, or the בית דין can assume responsibility for the מצוה. However this is not the case for פדיון הבן. Eugene Cohen<sup>81</sup> notes that the courts may not coerce the father into redeeming his son, and if the father fails in the performance of this מצוה, the בית דין may not try to redeem the son in the father's place. Nevertheless there seems to be a provision that a '*rabbinic court may redeem the*

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<sup>78</sup> Cohen 1984:83

<sup>79</sup> Yoreh Deah 240

<sup>80</sup> פני מבין on Yoreh Deah 226 as cited by Aiduth L'Yisrael, p. 154. See Maharach, Orach Chaim 11, in Cohen 1984:84

<sup>81</sup> Cohen 1984:84

*child with charity funds when the father fails to redeem him*<sup>82</sup>. ' I would suggest however, that this may be only if the wife and grandparents do not fulfill the מצוה.

In the event that the father is unable to be present at the time of the redemption, he may appoint a messenger to perform the מצוה. The messenger pronounces the blessings on the father's behalf<sup>83</sup>. Or, if the father is in a different city, the father may redeem his son to a 'local' כהן<sup>84</sup>, but he must alter the text<sup>85</sup>. The father can only do this once he has ascertained that his child is well.

And finally, if the child finds himself unredeemed, when he comes of age he must redeem himself. Again, the language of the liturgy changes. And, should there be a situation where the father was not redeemed and his son also requires redemption, then the father has priority over the son<sup>86</sup>. The father redeems himself before his son.

### **Reform and Conservative positions on patrilineal issues**

The Conservative Movement does not accept children born of a non-Jewish mother and Jewish father as Jewish. The Committee on Jewish Law and Standards of the Conservative Movement's Rabbinical Assembly considers the acceptance of the patrilineal principle as a '*violation of the הלכה of Conservative Judaism*<sup>87</sup>'. Directing this to the

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<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Haggadah, Yoreh Deah 305:10.

<sup>85</sup> Cohen 1984:120 – This provides a detailed outline. One of the changes is that the priestly blessing is omitted in the absence of the child.

<sup>86</sup> Kiddushin 29a, Yoreh Deah 305:15

<sup>87</sup> Schulweis, Harold M. "Lucy Cohen's Father is Jewish." In *Rabbi Harold Schulweis, Archives*. Valley Beth Shalom. 11/17/2004 [www.vbs.org/rabbi/hschulw/luc\\_bot.htm](http://www.vbs.org/rabbi/hschulw/luc_bot.htm)>.

Conservative rabbis, their resolution stated "*They shall henceforth be violations of a standard of rabbinic practices and be inconsistent with membership in the Rabbinical Assembly*"<sup>88</sup>. The policy of the Conservative Movement, as stated in A Standard of Rabbinic Practice Regarding the Determination of Jewish Identity by Rabbis Joel Roth and Akiba Lubow states "*Whereas the Committee on Jewish Law and Standards has on several occasions reaffirmed its commitment to matrilineal descent, which has been authoritative in normative Judaism for many centuries as the sole determinant of Jewish lineage*"<sup>89</sup>."

The Reform movement '*has espoused the equality of men and women, virtually since its inception*'<sup>90</sup>, 'therefore, '*accepts the case of patrilineal descent*.'<sup>91</sup> The Reform responsum on matrilineal and patrilineal descent continues to state '*We are morally obliged to make provisions for the offspring of such a union when either the father or mother seeks to have their children recognized and educated as Jews*'<sup>92</sup>."

The final statement of this CCAR<sup>93</sup> responsum states:

*"The CCAR declares that the child of one Jewish parent is under the presumption of Jewish descent. This presumption of the Jewish status of the offspring of any mixed marriage is to be established through appropriate and timely public and formal acts of identification with the Jewish faith and*

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<sup>88</sup> Ibid.

<sup>89</sup> Roth, Joel and Lubow, Akiba. "Yoreh Deah 268." In *Responsa*. New York: Rabbinical Assembly, 1986

<sup>90</sup> CCAR 1983

<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

*people. The performance of these mitzvot serves to commit those who participate in them, both parents and child, to Jewish life."*

Though *הבן פדיון* is not officially practiced by the Reform Movement, parents in a mixed marriage who redeem their child through the *הבן פדיון* ceremony fulfill a מצוה that follows the CCAR's guidelines on patrilineality. The parents through the performance of the מצוה of *הבן פדיון*, and in the words of the CCAR (Central Conference of American Rabbis) guidelines on patrilineality, '*commit both parents and child...to Jewish life.*' Since Reform Judaism accepts patrilineality, the Jewish status of either the father or the mother is inconsequential, providing that at least one parent is Jewish and they both agree to "*have their children recognized and educated as Jews*"<sup>94</sup>. The reinvented *הבן פדיון* ceremony allows Reform Jews to observe this "*principle with an 'appropriate and timely public and formal act of identification*"<sup>95</sup>."

The next section will look at the diverse means by which children enter the world and whether or not they are eligible for *הבן פדיון* according to הלכה and the Reform Movement.

#### *לכחן and לנחלה*

In the following excerpt from 8.1 בכורות we learn of two privileges of a first born child. The first is 'לנחלה' and the second is 'לכחן.'

*יש בכור לנחלה ואינו בכור לפתח, בכור לפתח ואינו בכור לנחלה, בכור לנחלה*

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<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

ולכחן, יש שאינו בכור לא לנחלה ולא לכחן.

*There is a firstborn for [the father's] inheritance, that is not a firstborn for [redemption from] the priest, there is a firstborn who is eligible for the priest and not for inheritance, there is a firstborn for both inheritance and the priest, and there is a firstborn that is ineligible to both the priest and the firstborn.*

We see from בכורות 8:1 that a child can have any combination of 'לנחלה' and 'לכחן.' A first born child may be the first born of both inheritance and redemption, of either or of neither. The term 'לכחן' refers to the firstborn of the mother who is consecrated to Temple service, or as the text literally states 'to the כחן' or the service of the priest. This also forms the halakhik text of the פדין הבן ritual. The inheritance or 'לנחלה' is based on the first son of the father, not the mother as in the case of redemption. Therefore, inheritance crosses sex boundaries. Women are eligible to inherit from their fathers if a son does not exist. The precedent<sup>96</sup> for this is found in Num. 27:8 when the daughters of Zelophehad go to Moses and the priest Eleazar asking '*Why should the name of our father be done away from among his family, because he has no son?*' Moses responds after taking counsel with God, '*If a man dies, and has no son, then you shall*

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<sup>96</sup> In Gen. 31:14-16, Rachel and Leah go to Jacob to question Laban's 'stealing' of their inheritance, as he did not pay Jacob appropriately for his service.' However, no decision comes from this encounter. Job in 42:14 gave his daughters an inheritance along with his son's inheritance.



*cause his inheritance to pass to the daughter.*<sup>97</sup> The parameters of 'לנחלה' are extended while simultaneously the parameters for 'לכהן' are limited.

If we separate 'לנחלה' from 'לכהן', a new principle regarding הבן פדיון could be established. While still finding its basis in הלכה, the child born of 'לנחלה' has rights to inheritance regardless of sex or פטר רחם. The result is that 'firstborn-ness' emerges as a dominant determining factor rather than being connected to and limited by 'לכהן.' 'לנחלה' or inheritance frees the הלכה, rather than limiting it. The firstborn child is no longer a dedicated servant of God, but a child born with a special identity because she/he is the firstborn. Moreover, the status of the family changes as it should with the birth or adoption of a first child.

#### Caesarean

8:2 states: בכורות

ב יוצא דפן והפא אחריו, שניהם אינן בכור לא לנחלה ולא לפתן. רבי שמעון אומר, הראשון לנחלה, והשני לחמש סלעים:

*If a child was born by caesarean and the following came after him [natural childbirth], the two of them are not בכור for the inheritance or for the priest [פדיון הבן]. Rabbi Shimon says: the first is eligible for inheritance and the second for 5 selaim [the amount necessary for redemption.]*

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<sup>97</sup> Numbers. 27:8

This משנה uses the example of a mother who gives birth to two [presumably] male children. The first son is born through caesarean, while the second is born by way of the vaginal canal. We learn from the above משנה that the child born from a caesarean is ineligible for redemption because it does not open the womb<sup>98</sup>. Moreover, the child born after this caesarean birth who is delivered naturally, through the birth canal, is also ineligible for הבן פדיון and for inheritance<sup>99</sup>.

This משנה about twins sets up two laws regarding the firstborn. The first law is that a caesarean birth is ineligible for redemption. The second law is that even a child born through the birth canal, after a caesarean section, is also ineligible for הבן פדיון, since it is not the first 'issue of the womb.' Orthodox הלכה holds according to the משנה, although there are dissenting views. Rabbi Shimon states<sup>100</sup> that the second child who is delivered through the birth canal is indeed eligible for redemption. Rabbi Shimon's view is not accepted.

Rabbi Akivah Eiger<sup>101</sup> and Har Tzvi<sup>102</sup> bring up another issue. They comment that if the first son<sup>103</sup> is born of a caesarean and it is a נפל [non-viable], then the second child

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<sup>98</sup> Yoreh Deah. 305:24

<sup>99</sup> The issue of inheritance affects only the eldest male child. The manner in which the child enters the world, whether it is through caesarean or natural childbirth, does not affect the child's status for its inheritance.

<sup>100</sup> Bekhorot 8:2

<sup>101</sup> See note 66 of Abraham, Abraham S. "Medical Halachah for Doctors, Nurses, Health-Care Personnel and Patients." In *Nishmat Avraham*, edited by Abraham S Abraham, 236-44. Artscroll Halachah Series, vol. II: Yoreh Deah, no. One. New York: Mesorah Publications, 2003 pg 242

<sup>102</sup> Note 67 – שו"ת י"ד סי' קמט –

<sup>103</sup> I chose to use 'son' because the text from which I quote uses the male form.

requires redemption. Rabbi Eiger allows a *חבן פדיון* for a child born naturally after a preceding caesarean.

Since it practices leniency in the interpretation of the *הלכה*, Reform Judaism could accept the views of both Rabbi Shimon and Rabbi Akiva Eiger that a child born *after* a caesarean delivery is eligible for redemption. The question remains however, which is not answered by the *הלכה*, whether a child born *from* a caesarean operation could still have eligibility for the *חבן פדיון* ceremony in a Reform setting. In order to answer this question, we need to understand in what context women undergo caesarean operations and if the context should be considered.

Today, caesarean births occur for three main reasons: a) health of the mother; b) health of the child; and c) elective, whereby the mother chooses to have a caesarean in preference to natural childbirth or she wants to have the child on a specific/convenient day. In a) and b), no choice exists for the mother except caesarean in order to protect the health of either the mother or the child and in some cases both. Our modern sensibilities cause us to consider that the body belongs to the mother and hence it is her decision. In any of the above cases the child is the first issue of the mother's womb, although not through natural childbirth.

### **Miscarriage**

The case of miscarriage is problematic for the rabbis and their response is not necessarily clear. The rabbis debate whether the 'issue of the womb' after a miscarriage is eligible for redemption. The rabbis in this instance consider at what point in the mother's

pregnancy she experienced the miscarriage as it affects their definition of a 'viable life'. The rabbis discuss at great length the age of a child's viability. At what stage does Jewish law consider a child viable?

During the first forty days after conception, the fetus is considered "mere fluid"<sup>104</sup> as it has not developed into human form<sup>105</sup>. Therefore, the rabbis consider that if during this time of forty days from conception a miscarriage occurs, then it is the 'fluid' and not a life that is miscarried<sup>106</sup>.

It is interesting that the rabbis do not consider a miscarriage (of more than thirty days in the womb), or a child who does not live for more than thirty days (outside of the womb), viable living beings. Yet, they still consider these children as the first issue of the womb. The word to consider in this discussion is 'פטר.' The rabbis set up a juxtaposition between 'פטר' and 'viable.' For the rabbis, only if the 'פטר' is viable may it be eligible for פדיון הבן.

The case of miscarriage proves a slightly more difficult case to determine. If the fetus is less than forty-five<sup>107</sup> days from conception and there is a miscarriage, then the subsequent pregnancy and birth will be considered the first born and eligible for redemption. But, if the miscarriage occurs after forty-five days from conception then the second pregnancy and subsequent births are ineligible.

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<sup>104</sup> Yevamot. 69b; Niddah. 3.7, 30b; M. Ketubot. 1.1

<sup>105</sup> Yoreh Deah. 305:1

<sup>106</sup> CCAR Responsa, Contemporary American Reform Responsa, 16. WHEN IS ABORTION PERMITTED? January 1985 - <http://www.ccarnet.org/cgi-bin/respdisp.pl?file=16&year=carr>

<sup>107</sup> The time of conception is counted within the 30 days of conception and 15 days from the first possibility for the egg to be fertilized.

A Reform responsum exists<sup>108</sup> questioning whether the child is eligible for פדיון הבן if it is born after a miscarriage<sup>109</sup>. The premise of this argument follows the traditional הלכה that a child born after a miscarriage is ineligible for פדיון הבן.

### Ectopic Pregnancy

An ectopic pregnancy occurs when the egg is fertilized in the Fallopian tube or the abdominal cavity instead of the uterus. In this case, the fetus must be removed or absorbed into the body as it puts the mother's life at risk.

About 30% of women who have had an ectopic pregnancy find it difficult to conceive again. If the removal of the egg is successful and there is minimal scarring, the woman has a 60% chance of conceiving again. However, once a woman has had an ectopic pregnancy, there is a 15% chance it will recur. Unfortunately, this percentage increases with each attempt.

It is rare for a woman to have an ectopic pregnancy, but in the event it occurs, the firstborn after an ectopic pregnancy is eligible for פדיון הבן<sup>110</sup>. A possible reason for this is because ectopic pregnancy occurs outside of the womb. Since it is difficult to become pregnant after an ectopic pregnancy, the experience of the birth of a child, whether male or

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<sup>108</sup> CCAR Responsa, New American Reform Responsa, 120. Pidyon Haben, December 1987 = <http://www.ccarnet.org/cgi-bin/respdisp.pl?file=120&year=narr>

<sup>109</sup> This responsum begins by stating that the Pidyon haBen ceremony 'is seldom practiced' since 'we do not recognize any special status for priests and Levites.' CCAR Responsa, New American Reform Responsa, 120. Pidyon Haben, December 1987 = <http://www.ccarnet.org/cgi-bin/respdisp.pl?file=120&year=narr>

<sup>110</sup> שבת הלי ח"ח ס"ל - note 81 of Nishmat Avraham.

female, is possibly heightened. Therefore, the meaning and the celebration of the פדיון הבן ceremony may take on extra meaning: a celebration of life after great difficulty.

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## Abortion

Jewish Law permits abortion in the following two circumstances:

- a) If the fetus is "in pursuit," דרך, of the mother, and therefore, has endangered her life<sup>111</sup>.
- b) If the birth of the child could cause the mother to become mentally unstable, then the mother or the doctors can abort the fetus<sup>112</sup>.
- c) Some rabbis believe that abortion is permitted when a woman becomes pregnant by rape or by a forbidden union<sup>113</sup>.

Reform Judaism permits abortion when it is feared that the woman may be in danger. *'That danger may be physical or psychological. When this occurs at any time during the pregnancy, we would not hesitate to permit an abortion. This would also include cases of incest and rape if the mother wishes to have an abortion.'*<sup>114</sup>

Much of the rabbis' discourse on abortion is based on the emotional condition of the mother. The birth of a child, regardless of sex, affects a mother's emotional state.

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<sup>111</sup> Deut. 25.11 f; Lev. 19.16; Yad Hil. Rotzeah Ushemirat Hanefesh 1.9; Shulhan Arukh Hoshen Mishpat 425.2

<sup>112</sup> Zilberstein, Rabbi Yitzchak, Emek Halacha, Assia, Vol. 1, 1986:205-209.

<sup>113</sup> She'eilat Ya'avets, vol. 1, no. 43

<sup>114</sup> Contemporary American Reform Responsa, 16. WHEN IS ABORTION PERMITTED?\*, January, 1985, <http://www.ccarnet.org/cgi-bin/respdisp.pl?file=16&year=carr>

Therefore, the child's entry into the world as the first child in the family unit should not be ignored. This holds true for a child born by Caesarean, and/or with forceps, or after a miscarriage or abortion. Each of these still affects the status of the family. This child is a new addition to the family unit. Any child brings similar fears and joys, stress and happiness to parents regardless of how it entered into the world. This feeling is possibly even intensified if the birth occurs after an abortion, ectopic pregnancy or miscarriage.

### Adoption

In the case of adoption, there is no role for the birth father. It is up to the father who will raise the child to redeem the boy, or when the child is of age, he must redeem himself. If the status of the child is unknown or it is doubtful, then the child is ineligible for redemption.

Adoption occurs in different forms and within Judaism<sup>115</sup> it can be traced to biblical episodes. For example in Genesis 48:12-13 Jacob adopts his grandsons Ephraim and Manasseh with a ritual. Joseph removes Ephraim and Manasseh from between Jacob's knees. The text states:

יב ויִצָּא יוֹסֵף אֹתָם מֵעַם בְּרָכָיו וַיִּשְׁתַּחוּ לְאַפָּיו אֶרְצָה:  
יג וַיִּסַּח יוֹסֵף אֶת־שְׁנֵיהֶם אֶת־אֶפְרַיִם בְּיָמִינוֹ מִשְׁמָאל וַיִּשְׂרָאֵל  
וְאֶת־מְנַשֶּׁה בְּשְׂמָאלוֹ מִיָּמִין וַיִּשְׂרָאֵל וַיִּגַּשׁ אֵלָיו:

<sup>12</sup> *Joseph then revoked them from his knees, and bowed low with his face to the ground.* <sup>13</sup> *Joseph took the two of them, Ephraim with his right hand – to*

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<sup>115</sup> Non Judaic texts trace adoption to the Code of Hammurabi (Hastings, James ed. Encyclopaedia of Religion and Ethics 13 vols. New York: Charles Scribner's Sons, 1912, s.v. "Adoption")

*Israel's left – and Manasseh with his left hand – to Israel's right – and brought them close to him.*

Another example occurs in Exodus<sup>116</sup> 2:9-10, which states:

ט ותאמר לה בת-פרעה הילכי את-הילד הזה והניקחי לי נאני אתן את-שכרך ותשח  
האשה הילד והניקחה י וגדל הילד ותבאחי לבת-פרעה והחילה לבן ותקרא שמו משה  
ותאמר כי מן-המים משיתחו

<sup>9</sup>*And Pharaoh's daughter said to her, "Take this child and nurse it for me, and I will pay your wages." So the woman took the child and nursed it.*

<sup>10</sup>*When the child grew up, she brought him to Pharaoh's daughter, who made him her son. She named him Moses, explaining, "I drew him out of the water."*<sup>117</sup>

Although the Talmud does not have a legal section about adoption it does contain *agadot*<sup>118</sup> about adoption. For example, Mordecai in the book of Esther (2:7) adopts Esther, Naomi adopts her grandchildren and Pharaoh's daughter adopts Moses. From these *agadot* the Talmud<sup>119</sup> teaches:

*'...whoever brings up an orphan in his home, Scripture ascribes it to him as though he had begotten him.'*

<sup>116</sup> Another Adoption text is Genesis 48:5-6

<sup>117</sup> *Tanakh, The Holy Scriptures*, (Philadelphia, Jerusalem: Jewish Publication Society) 1985.

<sup>118</sup> The story of Jacob adopting Ephraim and Menasseh does not occur amongst the *agadot* in B. Sanhedrin 19b.

<sup>119</sup> B. Sanhedrin. 19b



Adoption is seen as an act of חסד. Based on Psalm 106:3: "*Happy are they that act justly, who do right all the times.*" The rabbis ask, "*Is it possible to do right all the time?... Rabbi Shmuel bar Nachami says: This refers to a person who brings up an orphan boy or girl and enables them to marry.*" Several rabbinic sources prove those who bring an orphan into their home.<sup>120</sup>

Adoption for a Jewish family brings up many questions and raises many psychological and emotional issues<sup>121</sup>. Klein<sup>122</sup> notes some of these questions:

1. May Jewish parents adopt a child of non-Jewish parents?
2. May a child whose parentage is unknown be adopted?
3. If the parents are Jewish, does the child retain the natural father's name or the adoptive father's name?
4. Does the natural or adoptive father who is a כהן affect the child's status?
5. If the adoptive child is a בכור, are the adoptive parents obligated to have a פדיון הבן?
6. Does the adoptive child sit שיעה for the adoptive parents?

Western society states that the adoptive child becomes like the natural child of a couple so far as legal obligations and responsibilities are concerned<sup>123</sup>. Within Judaism

<sup>120</sup> B. Megilah 13a, B. Ketubbot 50a, See also Ex. Rabbah Chapter 4; Shulkhan Arukh Orech Chayim 139:3, Igrot Moshe on Yoreh Deah 161.

<sup>121</sup> Dorff, Elliot. "Artificial Insemination, Egg Donation and Adoption." In *Responsa*, 49. New York: Rabbinic Assembly, 1994. p. 41

<sup>122</sup> Klein 1979:436

<sup>123</sup> McKinney, *Consolidated Laws of New York*, Domestic Relations Law, bk. 14, p. 314) in Klein 1979:436

ties of blood and kinship can never be destroyed. If the natural father's status is known, then the adoptive child has the same status as the natural father<sup>124</sup>. If the natural father's status is unknown, the child is not redeemed since the child could be a כהן or לוי. If the child was converted to Judaism, then this child is also ineligible for פדיון הבן. Therefore, pertaining to פדיון הבן, the child is not redeemed by the adoptive father. The child would need to redeem himself if he knows that he is the first issue of his mother's womb. In the case of 'maintenance, inheritance, succession, and so forth, we follow the law of the land'<sup>125</sup>.

In Reform Jewish terms, *'When such a child is brought into a Jewish home, that child should be converted to Judaism and introduced to Judaism in the same way as any other young convert.'*<sup>126</sup> Should a child who enters into a family through adoption and is the first child, be considered for פדיון הבן? We know that according to secular law the child retains the same rights as a biological child. However, the פדיון הבן is not a secular institution, and therefore could Reform Judaism allow such a child to have the same religious rights? I think the key lies in the responsum's<sup>127</sup> discussion on conversion. By this reasoning, a non-Jewish child who enters into a family as the first child and who undergoes conversion could be redeemed. This child<sup>128</sup>, through the conversion process<sup>129</sup>

<sup>124</sup> It must be known if the natural father is a כהן, לוי, or ישראל in order for the child to be redeemed.

<sup>125</sup> Klein 1979:438

<sup>126</sup> Jacob, Walter, *American Reform Responsa*, Collected Responsa of the Central conference of American Rabbis 1889-1983, CCAR, New York 1983 p.199

<sup>127</sup> Ibid.

<sup>128</sup> Klein 1979:438

<sup>129</sup> Ritual circumcision and or ritual bath. Adults also require a period of time studying Judaism.

becomes a full part of the family and would undergo, should it be necessary in the case of a male child, *הטפת דם ברית* or *ברית מילה*<sup>130</sup>. In the instance of a female child, she would be immersed in the *מקוה*<sup>131</sup>. It needs to be stated that the birth order of an adopted child is irrelevant. In terms of *פדיון הבן*, the first child to enter the parental unite defines birth order.

### Emotional Effects

In the event the mother needs to undergo a caesarean, or if she suffers from a miscarriage, abortion or ectopic pregnancy, it is likely that the mother's emotional state will be affected. With a caesarean it is possible that the mother will feel relief that the baby was delivered safely, but she may also feel a level of distress that she was unable to have the child naturally.

For a woman who has one of these 'problem pregnancies,' the potential for emotional distress is high. It is important to realize that each woman is different, as is her attachment to pregnancy. Should the mother then become pregnant again, it is likely that some of the emotional 'baggage' from a previous pregnancy will transfer to the next pregnancy.

Bringing an adoptive child into a parental unit also brings with it certain emotional and psychological issues<sup>132</sup>. For example, the child may or may not be aware that s/he is adopted and at some stage may seek out his/her natural parents. Moreover, the child may

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<sup>130</sup> If a circumcision has already occurred a drop of blood is drawn (YD 268:1)

<sup>131</sup> Ritual bath

<sup>132</sup> Dorff 1994:41-43

experience some emotional problems related to identity during adolescence. Adolescence is often a time when teenagers begin to focus on their identity. This may lead to questions about birth parents etc. Both parents and children should be aware of this possibility. The promise then, for the *חבן פדיון* ceremony is such that it will offer a new found redemption, a spiritual redemption if you will, for the family.

### Summation

If we follow Jewish law, it seems that the first issue of the womb is eligible for redemption if the child is born through the vaginal birth canal. I would propose that a child born through a caesarean operation or after an abortion or miscarriage should also be eligible for *חבן פדיון* because it is the first viable issue of the womb. An adopted child who is also the first child to enter into the parental unit should be eligible along with biological children<sup>133</sup>. The *פדיון* ceremony could serve as an acknowledgment of the emotional effect of a child's entry into the parental unit as well as a celebration of that child.

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<sup>133</sup> I will say more about this in chapter 4

## Chapter Four

### The Parent's New Role: A Celebration of פדיון

Despite the הלכה, we have raised the possibility of extending the observance of פדיון הבן to children born after a Caesarean section, miscarriage, ectopic pregnancy or abortion. Given the importance of the birth of a firstborn to a traumatized family, if the ritual is so important for the changed nature of the family after the birth of a first child, might we also consider פדיון הבת, an extension to firstborn girls?

#### Conservative and Reform Views

Conservative Judaism, like Orthodox Judaism, follows the הלכה<sup>134</sup> when performing the פדיון הבן ceremony. The Conservative Movement has considered the possibility of a פדיון הבת. The Conservative Movement publishes a responsum to the שאלה: *'Should there be a special ceremony in recognition of a first-born female child?'* The תשובה responds: *'While the desire to enhance the sense of worth and value to the Jewish community of a female child is understandable and laudable, it would be preferable to include the element of בכורה בת as a component of a שמחת בת ceremony, rather than create a new ceremony which few would be likely to utilize and which would have no halakhik integrity'*<sup>135</sup>.

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<sup>134</sup> Yoreh Deah 305:1

<sup>135</sup> Skolnik 1993:163

The תשובה recognizes that the פדיון הבן ceremony within the Conservative Movement has fallen into disuse<sup>136</sup> because of unfamiliarity with the practice, miscarriages, caesarean operations, adoptions and abortions. Added to the list of causes for disuse is the frequency of מילה ברית and שמחת בת. Gerald Skolnik<sup>137</sup> seems cynical in explaining the reasons why families have פדיון הבן rites today. He states that פדיון הבן ceremonies are held because they are more likely to be “*excuses for food to be served and friends and relatives to be gathered ...than they are religious events of any real significance.*” Skolnik does not consider the emotional impact of the first born into the family unit<sup>138</sup>. He does, however, acknowledge that one of the reasons families may not perform the פדיון הבן ceremony is because it violates gender equality<sup>139</sup>. Moreover, the lack of a ritual parallel to פדיון הבן for a firstborn female child only serves to exacerbate the ‘historical inequality’<sup>140</sup>.

Despite these statements, Skolnik<sup>141</sup> ultimately decides that an equivalent to the פדיון הבן ceremony is ‘ill-advised’ and something that he would not ‘utilize.’ Why? Because the ceremony of שמחת בת already celebrates a daughter’s entrance into the ‘covenant between Israel and God.’ In addition, a פדיון הבת ceremony would serve to ‘redeem females from obligations they never had in the first place’<sup>142</sup>. The main obligation

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<sup>136</sup> Ibid. p.163-4

<sup>137</sup> Ibid. p.164

<sup>138</sup> This is discussed at greater length in Chapter 5

<sup>139</sup> Skolnik 1993:164

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

was to serve in the Temple. On the one hand, Skolnik is accurate in his evaluation that this ceremony is irrelevant to female children because it frees them from 'obligations they never had'<sup>143</sup>, but on the other hand he does not allow for a celebration for the firstborn female child. Thus, he ignores issues of gender equality; this would be a primary argument for negotiating a parallel ceremony for a firstborn female child.

What Skolnik does not consider is the possibility of differentiating between the two types of firstborn children, the firstborn 'בכור לנחלה' and the firstborn 'בכור לכהן.' As previously mentioned<sup>144</sup>, considering a child who is firstborn 'לנחלה' allows a male or female child to have a ceremony that contains elements of firstborn-ness. 'בכור לנחלה' crosses boundaries of gender. It also may contain elements pertaining to 'לכהן.'

Ultimately Skolnik's advice is to include 'first-born-ness' into the שמחת בת ceremony. An advantage of this is that the שמחת בת ceremony does not have a time mandate. But that is why a naming ceremony, which is often held on the שבת following the birth, is not a real parallel to the פדיון הבן, as he would suggest. The naming ceremony of שמחת בת is more a parallel in genre and timing to the ברית מילה ceremony.

The only equivalent to the פדיון הבן ceremony for girls would be a פדיון הבת ceremony. To try to marry the פדיון הבת ceremony and the שמחת בת ceremony would not do justice to either. They are different in theme and context. Moreover, according to הלכה<sup>145</sup> it is permissible to move the פדיון הבן ceremony at certain times, such as if the 31<sup>st</sup> day is שבת. The 30<sup>th</sup> and 31<sup>st</sup> day, or the passing of a month, is a marker for the parents as it is

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<sup>143</sup> Ibid.

<sup>144</sup> Chapter 3, p. 9ff on בכורות 8:1

<sup>145</sup> Yoreh Deah 305:11

a time when the parents are beginning to get used to having the child around. The parents are also struggling with sleep deprivation and the changes in routine. Therefore the 31<sup>st</sup> day for the חבן פדיין ceremony is still relevant and does not need to be changed. In fact, it is an important consideration in the 'emotional' argument.

Jewish ritual allows for marking of the birth of a girl regardless of birth order or how the female child was born. It is customary in Orthodox congregations and many Conservative congregations to name the female child in the presence of the father in synagogue<sup>146</sup>. On the first שבת after the birth of a child, the father is called for an עליה. מן שברך is recited for the health of mother and child, and in it the child is named. It is not necessary for the mother or the child to be present at the naming. However, in Conservative and Reform congregations it is likely that the mother and the female child will be present. If there are health issues, it is possible that the ceremony will be postponed. In some Reform congregations a girl child will be named in synagogue on either שבת ערב or שבת morning. On the other hand, it must be noted that the occurrence of a separate ceremony, שמחת בת, is increasing in popularity with Conservative Jews<sup>147</sup>.

Equality is a major principle within the Reform Movement. In the 1999 Statement of Principles for Reform Judaism<sup>148</sup>, under the section on *Israel*, the Principles state:

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<sup>146</sup> Klein 1992:429

<sup>147</sup> Skolnik 1993:164

<sup>148</sup> <http://ccarnet.org/platforms/principles.html>



*"We pledge to fulfill Reform Judaism's historic commitment to the complete equality of women and men in Jewish life."*

Therefore, the role of women in Reform Judaism has been seen as equal in religious and social life. With this premise in mind, the Reform Movement has established the ceremony of naming a girl as an important family milestone and also a community event. The baby naming ceremony of a girl, sometimes in the synagogue but increasingly at home, was created to echo the importance the *ברית מילה* ceremony. Often, parents choose to include other family members and to create new liturgy for the event. Sometimes, the family will organize a separate party to name the child, a party that is equivalent to one given for a *ברית מילה*. Some Conservative families have incorporated this ritual as well.

### **Inequalities**

The baby naming for a girl, *שמחת בת*, and the *ברית מילה* for a boy are performed respectively regardless of birth order or the manner in which the child was born. The ceremony traditionally is only for selected<sup>149</sup> first born children. However, I am suggesting that it include all firstborn children into the parental unit whether born through caesarean, or after a miscarriage, abortion or ectopic pregnancy. We may even consider extending this to the first child adopted by a couple or an individual; either way, the status of the individual or couple changes to that of parent or parents.

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<sup>149</sup> פטר רחם – See chapter 3

A question that needs consideration is whether the *הבן פדיון* ceremony, because of its limitation, is unfair and has the potential to cause sibling rivalry. My response to this question is: No. The injustice of this rite derives from the limitation to male children only. There is uniqueness to the birth of a first child to the parental unit that cannot be ignored. The new addition of a child regardless of gender, affects the family. The *הבן פדיון* ceremony does not cause sibling rivalry, since the younger siblings are not born when a *הבן פדיון* ceremony occurs. Sibling rivalry occurs when the parents treat children differently. Natural inequalities do occur between siblings because of birth order. The older child is most likely to be given more responsibilities through the mere fact s/he is likely to reach maturity sooner<sup>150</sup>.

Different cultures, however, see the birth of a male or female child differently. Most often, the birth of a male child is more prized than a female child. For example, Chinese

*"culture dictates that when a girl marries she leaves her family and becomes part of her husband's family. For this reason Chinese peasants have for many centuries wanted a son to ensure there is someone to look after them in their old age -- having a boy child is the best pension a Chinese peasant can get. Baby girls are even called "maggots in the rice" ... families have to pay a high dowry rate for a female child"<sup>151</sup>.*

<sup>150</sup> [http://www.childdevelopmentinfo.com/development/birth\\_order.htm](http://www.childdevelopmentinfo.com/development/birth_order.htm) adapted from (Adapted from Don Dinkmeyer, Gary D. McKay, and Don Dinkmeyer, Jr., *Parent Education Leader's Manual* Coral Springs, F.; CMTI Press, 1978)

<sup>151</sup> [http://www.gendercide.org/case\\_infanticide.html](http://www.gendercide.org/case_infanticide.html)

Gender bias against women in Judaism does exist in the interpretation of the מצות. While men are charged with upholding the מצות, women are exempt<sup>152</sup> from many 'time bound'<sup>153</sup> מצות. Reform Judaism, because of its view on equality<sup>154</sup>, does not distinguish between women and men in the practicing of מצות.

### **Family and the firstborn**

With the birth of the first child, the family will experience adjustments in living environment, emotions and civil and legal status. The family moves from being a childless couple to parents with new responsibilities and tasks. With the birth of a child, regardless of gender, the structure of the parental unit changes significantly. The changes include routine, emotional, physical and psychological adjustments. The addition of a baby causes an increase in happiness as well as dramatic changes in stress levels while the family adjusts.

The change in routine is possibly most significant as the baby's needs takes precedence. When the child has to eat, sleep or be changed, the parents must adjust, no matter what time of day or night it may be. The increased stress is related to change in routine. The parents may suffer from sleep deprivation, which essentially inhibits their normal daily functions.

Traditionally, much of the child's eligibility for פדיון הבן depends on the way in which the child enters the world. Contemporary society allows various methods, either by

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<sup>152</sup> M. Kiddushin. 1,7

<sup>153</sup> Mitzvot that need to be done at a particular or set time

<sup>154</sup> <http://ccarnet.org/platforms/principles.html>

choice or by necessity, for childbirth. Today, infant mortality and the death of the mother, in most cases, can be avoided because of advances in medicine. As we have seen in previous discussion, Reform Judaism can interpret the הלכה to consider other issues.

While according to the הלכה caesarean births cause a child to be ineligible for פדיון הבן, I believe the child born from this procedure should be eligible for פדיון הבן as should a child born after an ectopic pregnancy, miscarriage or an abortion because in all of these cases, the status of the family changes significantly. This also holds true for a first child who enters a parental unit through adoption. Just as in a wedding, the status of the individuals involved changes to that of spouse or partner, so too the addition of the first child changes the status of a couple to parents. In each of these cases, the roles of the individuals change as well as the way they see each other and the way the community views them.

The impact of a child's entry into the parental unit, especially the first child, cannot be ignored. As previously discussed, the emotional and physical impact on the family is great and the פדיון הבן ceremony serves to acknowledge this impact. It is different from the ברית מילה or שמחת בת because of the timing of the פדיון ceremony.

The פדיון ceremony thus serves not only to recognize the child as 'consecrated to God,' but also acts to de-consecrate the child from God, which must not be downplayed, but it is also sanctified and celebrates the choice the family needs to make at that time. The כהן asks the father: "*Do you prefer to give me your son, or would you rather redeem him for five sela'im, which you are required to give according to the Torah*<sup>155</sup>?" The choice the family makes on the 31<sup>st</sup> day is whether to keep the child by redeeming, or

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<sup>155</sup> Cohen 1984:112

giving him up to the כהן. The couple thus celebrates their decision to become parents and acknowledges the depth and the impact of their new role which this child, male or female has created. The couple publicly chooses to remain as parents to this new born that they have had for 30 days while at the same time they acknowledge the connection the firstborn has to God. The 31<sup>st</sup> day mark of the חבן פדין ceremony allows the family to adjust to the child's presence, the change in routine and the change in the family status, and so their response to the כהן represents an 'informed choice,' in Reform parlance.

## Chapter Five

### שמחת הבכור Reinventing - פדיון הבן

When I began this thesis, I was determined to reinterpret the פדיון הבן ceremony in such a way that it would be conducive to the principles of the Reform Movement. This meant that it would address פדיון הבן issues of gender and of religious equality. The ancient rite marks a connection between God and human beings. It was a connection between the people of Israel and the בית המקדש, the Temple. It symbolized the relationship the people have with the פדיון of land and its ownership by God. However, the rabbis limited the eligibility for this rite to such an extent that few firstborn males are able to be a פדיון הבן. When trying to understand the intricate details of the biblical and *halakhic* laws of the פדיון הבן ceremony I realised that merely reinterpreting the ceremony to make it gender friendly and palatable to Reform Judaism was not doing justice to the topic and to the religious nature of the ceremony.

While Reform Jews acknowledge and accept the importance of the Temple, Reform Judaism, like Conservative Judaism, does not believe in the reestablishment of the Temple, and hence it often rejects rites and ceremonies associated with Temple practices. The Temple overtones of the פדיון הבן ceremony in its traditional form render it too raw for Reform Jews. However, if we adopt a liberal understanding of the term redemption, the role of the כהנים and פטר רחם, we can then begin to adjust to the notion of redeeming the firstborn male or female.

If we broadened the eligibility for פדיון to include any first issue of the womb regardless of whether the child was born of a caesarean or after a miscarriage or an abortion, allows the Reform Jew to begin accepting the ceremony of פדיון הבן. Alongside

this, it would be necessary to reinterpret the family's relationship to the כהנים and the Temple. The כהנים symbolise the Temple in all its ritual. In place of the כהן, the position could be opened up as honorary. But since the lineage of the כהנים is imprecise, we do not know exactly who are כהנים, and so we cannot be assured a true כהן will be present. Moreover, Reform Judaism rejects the hierarchy of the priestly caste as mentioned in Article three and four of The Philadelphia Principles of 1869<sup>156</sup>. But, as discussed in Chapter Two, the family could ask a relative or friend to stand in the place of the כהן, under the heading of במקום כהן.

The money used for the פדיון הבן ceremony is an amount of 5 shekels or about the value of about 129gm of silver. The money is used in the symbolic exchange between the father and the כהן. The father hands the כהן the 5 shekels in lieu of the child. A suggestion for the money is that it be designated for צדקה. The person receiving the money does not keep it but could announce that this money will go to a specific charitable organization or five. This part of the ceremony forms a three way connection between the family, God and the Temple offerings. The ceremony invokes the collective memory of the celebration of the first fruits, the first born and the connection that everything belongs to God.

Most Jewish life-cycle ceremonies involve a change of status. For example, a בר מצוה changes the status of a child who is a minor regarding the מצוות to one who is obligated to perform the מצוות. Furthermore, when two individuals agree to marry, their status changes to one of individual to 'couple.' They are joined in holiness. The couple signs a contract of their union, a כתובה. Should a couple decide to terminate their marriage through divorce, another contractual agreement is necessary. Both marriage and divorce cause a change in status. Divorce causes the couple to become individuals once again. A new contract is created, a get.

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<sup>156</sup> Meyer, Michael A., and Plaut, W. Gunther. 2000:196

In the case of the **הבן פדיון** ceremony, a verbal contract occurs between the parents and the **כהנים**. The **כחן** asks the father if he would like to redeem his child. The exchange of money is a contractual agreement, like the giving of a ring in a marriage ceremony.

The first child, to a couple, then changes the status of the couple to one of 'family,' not only physically but contractually too. The couple is given a choice to redeem the child and continue to be named as 'parents.' This is also true of an individual who without the covenant of marriage has a child or adopts a child. The person is still a parent. Thus, while **מילה ברית** and/or naming celebrate a new child, the **פדיון** ritual deals with the new family.

The reinvention of the **הבן פדיון** ceremony within the Reform Jewish context would serve to acknowledge the following:

- The birth or adoption of a 'first' child to the parental unit
- A historical connection to the Temple, its rites and rituals.
- A connection with God in that every firstling is initially dedicated to God as an offering or in the case of children, to God's service.
- An honorary connection to the priesthood.

The timing of the **הבן פדיון** ceremony is significant. Occurring on the 31<sup>st</sup> day after the birth of a child, parents are at a critical crossroad. On the one hand, they are becoming used to the routine of the child's needs and they are adapting to the reality that they are totally responsible for this dependent life. The child cannot survive without the substance and nurturing from the parents. On the other hand, the 31<sup>st</sup> day is a time when parents are possibly at their lowest emotional state. They are exhausted from sleep deprivation and they may question their ability (and even their choice) to become parents.

The **הבן פדיון** ceremony allows the parents to accept and celebrate the reality of their situation publicly. In front of witnesses, the parents accept the child into their couple



status and as previously said, they formally change their status to that of 'parents' and 'family.' The rite of פדיון הבן changes the couple into parents. It could be named a 'שמחת בכור,' the redemption and the joy of the firstborn.

### Traditional Liturgy

The liturgy for the פדיון הבן ceremony represents the halakhik interpretation. A traditional ceremony is comprised of nine steps. It is an interaction between the כהן and the father of the child. For the ceremony to take place all the requirements for פדיון הבן need to be confirmed. In short, the child must be the first issue of the Israelite mother's womb through natural childbirth.

1. The ceremony begins with the father who hands his son to the כהן and announces that this son is the first born of his Israelite wife.
2. The father shows the כהן the five shekels. The כהן responds by asking the father's preference. Does the father want to redeem his son or leave his son for service?
3. The father then gives the כהן the 5 shekels -- this is the father's answer.
4. The כהן accepts the redemption money and returns the child to his father. The father recites the blessing over the redemption
5. The parents recite the שְׁחַתְּנוּנוּ
6. The כהן holds the coins
7. The כהן blesses the child
8. Blessing for the meal
9. ברכת חמון

## סדר פדיון הבן - Traditional Liturgy

נאם האב או האם הם משבט לוי, אין עושים פדיון הבן.<sup>157</sup>  
לאחר שמלאו שלשים יום לבן שהוא בכור לאמו,<sup>158</sup> מביא אותו האב לפני הכהן<sup>159</sup>  
אחרי התחלת הסעודה, ואומר:

*The father<sup>160</sup> is brought before the Kohen, after the start of the festive meal and he says:*  
אֲשֶׁתִּי הֵיטְרָאֵלִית יָלְדָה לִּי בֶן זֶה תִּבְכֹּר.<sup>161</sup>

My wife, the Israelite gave birth to me a son, this firstborn.

*The Kohen asks שואל:*  
מֵאִי בָּעִית טָפִי, לִתֵּן לִי בֶּנְךָ בְּכוֹרֶךָ שֶׁהוּא פָטֹר רַחֵם לְאִמּוֹ, אוּ בָּעִית  
לְפָדוֹתוֹ בְּעֵד חֲמֵשׁ סֵלָעִים כְּדִמְחִיבָתָא מִדְּאִוְרֵיתָא.

What do you prefer, to give to me your son, your firstborn who is the issue of the womb of his mother's womb, or would you rather redeem him for 5 selaim, which you are required to give according to the Torah.

*The father responds האב משיב:*  
חֲפֹץ אֲנִי לְפָדוֹת אֶת בְּנִי, וְהֵא לָךְ דָּמֵי פְדִיּוֹנוֹ כְּדִמְחִיבָתִי מִדְּאִוְרֵיתָא.

I wish to redeem my son. I present you with the cost of his redemption as I am required to do by the Torah.

*האב מכין בידו את הכסף או את החפץ למוסרו לכהן ומברך:*  
*The father prepares the money or object that in his hand for transmission to the Kohen and he says the blessings:*

בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו, וְצִוָּנוּ עַל פְּדִיּוֹן  
הַבֵּן.

<sup>157</sup> Include mother/father/parent.

<sup>158</sup> The family may choose a family member/friend/rabbi to fill in or replace the kohen in this case. Add in a line of memory to the priesthood

<sup>159</sup> The firstborn of the mother - this should be the firstborn to the couple or single parent.

<sup>160</sup> See note 142.

<sup>161</sup> We need to offer various options such as i) 'we as a couple have given life to this child through birth, this firstborn/this first child we adopt as the firstborn of our strength - לְנִזְלָה

Blessed are you Adonai our God, Ruler of the World who sanctified us with his mitzvot and commands us concerning the redemption of the firstborn.

בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, שֶׁהַחַיִּינוּ וְקִיָּמָנוּ וְהִגִּיעָנוּ לְזֶמֶן הַזֶּה.  
Blessed are you Adonai our God, Ruler of the Universe, who enables us to live and establishes us and brings us to this time.

הַכֹּהֵן מִקְבֵּל אֶת הַפְּדִיּוֹן וְאַחֵר כֵּךְ נוֹתֵן אֶת יָדָיו עַל רֹאשׁ הַתִּינוּקָה  
וּמְבָרְכוֹ:

*The Kohen receives the redemption, after which he places his hands upon the head of the baby, and blesses him:*

יִשְׁמְךָ אֱלֹהִים כְּאַפְרַיִם וּכְמְנַשֶּׁה.

May God make you like Ephraim and Menasseh

יְבָרְכֶךָ יְיָ וְיִשְׁמְרֶךָ.

May God bless you and watch over you

יָאֵר יְיָ פָּנָיו אֵלֶיךָ וִיחַנֶּנּוּ.

May God's face shine upon you and be gracious to you

יִשָּׂא יְיָ פָּנָיו אֵלֶיךָ וְיִשֶּׂם לְךָ שָׁלוֹם.

May God lift his face upon you and grant you peace.

כִּי אֲרֹךְ יָמִים וְשָׁנוֹת חַיִּים וְשָׁלוֹם יוֹסִיפוּ לְךָ.  
יְיָ יִשְׁמְרֶךָ מִכָּל רָע, יִשְׁמַר אֶת נַפְשְׁךָ.

May length of days and years of live and peace increase upon you. May God keep you from evil and guard your soul.

וְנוֹטֵל הַכֹּהֵן כּוֹס יַיִן בְּיָדוֹ וּמְבָרֵךְ:

*The Kohen lifts the cup of wine in his hand and (recites the) blessing:*

בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, בּוֹרֵא פְּרִי הַגֶּפֶן.

Blessed are You, Adonai, our God, Ruler of the Universe, who creates the fruit of the vine.

When there is a festive meal add...

בְּרַכָּה עַל הַפֶּתַח: *Blessing over the bread*

בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, הַמּוֹצִיא לֶחֶם מִן הָאָרֶץ.

Blessed are You, Adonai, our God, Ruler of the Universe, who brings forth bread from the earth.

## Gender Friendly Version of the Traditional Ceremony

Some times a family who has a first born girl desires the traditional ceremony, but wants to change it to a gender friendly version. In this case the family would be comfortable with the hierarchy of כהנים and the direct connection with the Temple. This family may also choose to have a כהן stand in as the בת כהן. The parents might also desire that they both be involved in the ceremony. Therefore, I offer the following possibility for a female child<sup>162</sup>:

(אם האב או האם הם משבט לוי, אין עושים פדיון הבן)  
*If the father or the mother is from the tribe of Levi, then the first child is not redeemed.*  
 לאחר שמלאו שלשים יום לבן או לבת שהוא בכור/ה לאמו  
 מביאים אותו/ה  
 האב והאם לפני הכהן/בת-כהן אחרי התחלת הסעודה, ואומרים:  
*After the thirty days are completed, the male or the female child who is the mother's firstborn is presented. The father and the mother are brought before the Kohen/Bat Kohen, after the start of the festive meal, and they says*

הבן  
 אֲשֶׁתִּי הַיִּשְׂרָאֵלִית יָלְדָה לִּי בֶן זֶה הַבְּכוֹר<sup>163</sup>.  
 אֲנִי הַיִּשְׂרָאֵלִית יָלְדָה לִּי בֶן זֶה הַבְּכוֹר

My wife, the Israelite, gave birth to me a son, this firstborn.  
 I, the Israelite woman, have given birth to this son, this firstborn.

הבת

אֲשֶׁתִּי הַיִּשְׂרָאֵלִית יָלְדָה לִּי בַת זֹאת הַבְּכוֹרָה  
 אֲנִי הַיִּשְׂרָאֵלִית יָלְדָה לִּי בַת זֹאת הַבְּכוֹרָה

<sup>162</sup> For a male child see the Traditional Liturgy, however one should include the בת-הכהן.

<sup>163</sup> We need to offer various options such as i) 'we as a couple have given life to this child through birth, this firstborn/this first child we adopt as the firstborn of our strength - לַעֲקָלָה

My wife, the Israelite, gave birth to me a daughter, this firstborn.  
I, the Israelite woman, have given birth to this daughter, this firstborn.

*The Kohen or the Bat Kohen asks שואל/ת: חכהן/בת-הכהן*

הבן  
מאי בָּעִית טָפִי, לָתֶן לִי בִנֶךָ בְּכוֹרֶךָ שֶׁהוּא פֶּטֶר רִחָם לְאִמּוֹ, אוֹ בָּעִית  
לְפָדוֹתוֹ בְּעֵד חֲמֵשׁ סֵלָעִים כְּדִמְחִיבָתָא מִדְּאוֹרִיתָא.

What do you prefer, to give to me your son, your firstborn who is the issue of his mother's womb, or would you rather redeem him for 5 selaim, which you are required to give according to the Torah?

הבת  
מאי בָּעִית טָפִי, לָתֶן לִי בִתְךָ בְּכוֹרֶיךָ שֶׁהִיא פֶּטֶר רִחָם לְאִמָּהּ,  
אוֹ בָּעִית לְפָדוֹתָהּ בְּעֵד חֲמֵשׁ סֵלָעִים כְּדִמְחִיבָתָא מִדְּאוֹרִיתָא.

What do you prefer, to give to me your daughter, your firstborn who is the issue of the womb of the mother's womb, or would you rather redeem him/her for 5 selaim, which you are required to give according to the Torah.

*The father and the mother respond משיבים: והאב והאם*

הבן  
אָנוּ חֹפְצִים לְפָדוֹת אֶת בְּנֵנוּ, וְהָא לָךְ דְּמִי כְּדִיוְנוּ כְּדִמְחִיבָתִי מִדְּאוֹרִיתָא.

We wish to redeem our son. We present you with the cost of his redemption as we are required to do by the Torah.

הבת  
אָנוּ חֹפְצִים לְפָדוֹת אֶת בִּתְנוּ, וְהָא לָךְ דְּמִי כְּדִיוְנָה כְּדִמְחִיבָתִי  
מִדְּאוֹרִיתָא.

We desire to redeem our daughter. We present you with the cost of her redemption as we are required to do according to the Torah<sup>164</sup>.

<sup>164</sup> See the introductory comments to the Alternative ceremony on p. 66.

והאם מכינים בידם את הכסף או את החפץ למוסרו לכהן/בת-כהן  
האב ומברכים:

*he father and mother prepare the money or object that in their hands for transmission to the Kohen/Bat Kohen and they say the blessings:*

הבן  
ברוך אתה יי אלהינו מלך העולם, אשר קדשנו במצותיו, וצונו על פדיון  
הבן.

Blessed are you Adonai our God, Ruler of the World who sanctified us with mitzvot and commands us concerning the redemption of the firstborn.

הבת  
ברוך אתה יי אלהינו מלך העולם, אשר קדשנו במצותיו, וצונו על  
פדיון הבת.

Blessed are you Adonai our God, Ruler of the World who sanctified us with the mitzvot and commands us concerning the redemption of the firstborn (girl).

הבן/הבת  
ברוך אתה יי אלהינו מלך העולם, שְׁהַחֲיֵנוּ וְקִיַּמְנוּ וְהִגִּיעָנוּ לְזֶמְנוּ  
הַזֶּה.

Blessed are you Adonai our God, Ruler of the Universe, who enables us to live and establishes us and brings us to this time.

הכהן/בת הכהן מקבל/ת את הפדיון ואחר כך נותן/ת את ידיו/ה  
על ראש התינוק/ה ומברכה/ה:

*The Kohen/Bat Kohen receives the redemption, after which s/he places his/her hands upon the head of the baby, and blesses him/her.*

הבן  
יְשַׁמְךָ אֱלֹהִים כְּאַפְרַיִם וּמְנַשֶּׁה.  
יְבָרְכְךָ יי ויְשַׁמְרְךָ.  
יֵאָר יי פָּנָיו אֵלֶיךָ ויְחַנֶּךָ.  
יֵשָׂא יי פָּנָיו אֵלֶיךָ ויִשָּׂם לְךָ שְׁלוֹם.

May God make you like Ephraim and Menasseh  
May God bless you and watch over you  
May God's face shine upon you and be gracious to you  
May God lift his face upon you and grant you peace.

הבת  
 יִשְׁמְךָ אֱלֹהִים כְּשָׂרָה רַבֵּקָה רָחֵל וְלֵאָה  
 יְבָרְכֶךָ ה' וְיִשְׁמְרֶךָ  
 יֵאָר ה' פָּנָיו אֵלֶיךָ וִיחַנֶּנֶךָ  
 יִשָּׂא ה' פָּנָיו אֵלֶיךָ וְיָשֵׂם לְךָ שְׁלוֹם.

May God make you like Sarah, Rebekah, Rachel and Leah  
 May God bless you and watch over you  
 May God's face shine upon you and be gracious to you  
 May God's face be lifted to you and grant you peace.

חבן/חבת  
 כִּי אֲרֹךְ יָמִים וְשָׁנוֹת חַיִּים וְשְׁלוֹם יוֹסִיפוּ לָךְ.  
 יְיָ יִשְׁמְרֶךָ מִכָּל רָע, יִשְׁמַר אֶת נַפְשְׁךָ.  
 May length of days and years of life and peace increase upon you. May God keep you  
 from evil and guard your soul.

ונוטל הכהן/בת-הכהן כוס יין בידו/ה ומברך/ת:  
*The kohen/bat kohen picks up the cup of wine in his/her hands and recites the blessing*

בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, בּוֹרֵא פְּרֵי הַנֶּגֶף.  
 Blessed are You, Adonai, our God, Ruler of the Universe, who creates the fruit of the vine.

When there is a festive meal add...

בִּרְכָה עַל הַפֶּתַח: *Blessing over the bread*  
 בָּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, הַמּוֹצֵא לֶחֶם מִן הָאָרֶץ.  
 Blessed are You, Adonai, our God, Ruler of the Universe, who brings forth bread from the  
 earth.

## Alternative פדיון הבן Ceremony:

### שמחת הבכור/ה

The alternative פדיון הבן ceremony incorporates many issues discussed in this thesis. The focus is on the notion that a couple's status changes to that of parents and subsequently family. You will notice that the ceremony contains elements from 8:1 בכורות such as the firstborn of inheritance: בְּכֹר לְנֶחֱלָה. The connection to inheritance becomes the framework to allow children who are born from miscarriage, caesarean births, ectopic pregnancy, a child born after an abortion and adoptive children to be eligible for פדיון. For the traditional פדיון הבן ceremony all of these situations are forbidden by הלכה.

Other elements in this ceremony include the position of the כהן. As discussed in the כהן chapter, in traditional liturgy the child must be redeemed to a כהן. However, this alternative ceremony symbolically recognizes the connection to the priesthood and the Temple by mentioning it in the liturgy and using the concept of 'במקום-כהן.' We therefore provide for an 'honorary כהן' and/or a 'בת-כהן,' to be part of the ceremony. I did not change the phrase 'בְּכֹרֶיךָ מִן הָאִשָּׁה' because as discussed in previous chapters, בכור can be understood as the female or male first-born because it is a generic word.

#### Parents begin by saying:

We here stand today to mark a time gone by. In 70 CE the Second Temple, a symbol of our history, culture and religion was destroyed. The destruction of the Temple changed Judaism forever. Prior to this time, our



firstborns were offered to the כהן for Temple service. Even in the absence of the Temple, the ceremony of פדיון הבן has been a major part of life cycle events within the Jewish family. Today, we remind ourselves of this ancient tradition that connects us to God, our community and our ancestors. Today, we choose to redeem this child from the symbolic כהן on this the 31<sup>st</sup> day of the birth of our child. Today, we celebrate the first child's entry into our family. We officially change our status from being a couple to being parents.

*In place of a כהן we have asked .... ben/bat .... to stand in as a symbol of the rite given to the כהנים. We have chosen this person because.....*

## The Big Question

The במקום-כהן asks:

מאי בעית טפני, לתן לי בנך/בתך בכוך/בכוךך שהוא/היא בכוך/ה  
לנחלה, או בעית לפדותו/ה בעד חמש סלעים קדמתיבא  
מדאורייתא.

What do you prefer, to give to me your son/daughter, your first child, or would you rather redeem him/her for 5 selaim, which you are required to give according to the Torah?

## The parents' response:

We choose, in front of witnesses and in God's presence, to give you the five selaim instead of our child. *(Parents may add in their own thoughts of what it means to them to have a child)* We now begin to mark this moment:

אנו חפצים לפדות את בנך/בתך.

**The מצקה is handed to the במקום-כהן. We choose to allocate this מצקה to the following organisations because....**

The במקום-כהן accepts the money and returns the child to the parents

*The parents recite the following blessings:*

ברוך אתה יי אלהינו מלך העולם, אשר קדשנו במצותיו על פדיון  
בכור/ה פטר רחם בבני ישראל.

Blessed are you, Adonai our God, Ruler of the Universe, who has sanctified us with this commandment of redeeming the first issue of the womb among the children of Israel.

**Adoption:** *In the case of adoption, the family may begin use the following blessing:*

ברוך אתה יי אלהינו מלך העולם, אשר קדשנו במצותיו על פדיון  
בכור/ה של המשפחה שלנו ובבני ישראל.

Blessed are you, Adonai our God, Ruler of the Universe, who has sanctified us with this commandment of redeeming the first child of our family among the children of Israel.

*The ceremony continues:*

ברוך אתה יי אלהינו מלך העולם, אשר קדשנו במצותיו וצגנו על  
לנחלת הבכור/ה בבני ישראל.

Blessed are you, Adonai our God, Ruler of the Universe, who has sanctified us with this commandment of redeeming the firstborn of inheritance and strength among the children of Israel.

We bring this child into our family with joy and celebration. This child is the firstborn of our strength and our inheritance. As new parents, we accept this change in status from a couple to that of parents and family. We are honoured to have the opportunity to bring this child up with joy and love.

## Shehecheyanu - שְׁהַחֵינּוּ

*The parents continue:*

בְּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, שְׁהַחֵינּוּ וְקִיַּמְנוּ וְהִגִּיעָנוּ לַזְמַן הַזֶּה.

Blessed are You, Adonai our God, Ruler of the Universe, who has kept us alive, sustained us, and enabled to reach this season.

*The kohen holds the coins for all to see*

For a Boy

זֶה תַּחַת זֶה  
זֶה חֲלוּף זֶה  
זֶה מְחוּל זֶה

For a Girl

זֶה תַּחַת זֹאת  
זֶה חֲלוּף זֹאת  
זֶה מְחוּל זֹאת

For a Boy

יָצָא זֶה לְנִחְלָה וְיִכָּנֵס  
בֶּן/בַּת \_\_\_\_\_ לְחַיִּים, לְתוֹרָה, וְלִירֵאת שָׁמַיִם.

For a Girl

יָצָא זֹאת לְנִחְלָה וְתִכָּנֵס  
בֶּן/בַּת \_\_\_\_\_ לְחַיִּים, לְתוֹרָה, וְלִירֵאת שָׁמַיִם.

This tzedakah is instead of this child, this in exchange of that, this money redeems this first child. May this son/daughter, \_\_\_\_\_ son/daughter of \_\_\_\_\_ and \_\_\_\_\_, enter into Life, Torah and the awe of the Divine.

יְהִי רָצוֹן מִלְפָּנֶיךָ יְיָ שֶׁיִּכָּנֵס לְנִחְלָת הַבְּכוֹרָה, בֶּן יִכָּנֵס/בַּת יִכָּנֵס לְתוֹרָה וּלְחֻפָּה וּלְמַעֲשֵׂים טוֹבִים.

May it be God's will that just as s/he has entered into the first of inheritance, so may s/he enter into the study of Torah, the marriage canopy and into the doing of good deeds.

**The Parents bless their child.**

*For a girl:*

אחת היא יונתני תמתי אחת היא לאמה ברה היא לילדה  
ראיה בנות נאשריה מלכות ופילגשים נחלקיה

Only one is my dove, My perfect one, The only one of her mother, The delight of  
hew who bore her. Maidens see and acclaim her; Queens and concubines,  
praise her.

(Song of Songs 6:9)

And/or

אחותנו אף תי לאלפי רבה  
O sister! May you grow into thousands of myriads  
(Gen 24:60).

ישמך אלהים כשרה רבקה רחל ולאה  
May God make you as our Mothers Sarah, Rivka, Rachel and Leah.

יברכך ה' וישמרך  
יאר ה' פניו אליך ויחנך  
ישא ה' פניו אליך וישם לך שלום

May Adonai bless you and keep you.  
May Adonai's face shine upon you and be gracious to you.  
May Adonai's face be lifted to you and grant you peace.

*Continue with 'For a boy/girl' and Festive Meal*

*For a boy:*

If a man is told that his wife has borne a son, he says: Blessed is He that is good and does good.

*TB, Brachot 59b*

יְשִׁמְךָ אֱלֹהִים כְּאַפְרַיִם וּכְמְנַשֶּׁה.

May God make you like Ephraim and Menaseh.

יְשִׁמְךָ אֱלֹהִים כְּאַפְרַיִם וּכְמְנַשֶּׁה.

יְבָרְכֶךָ יי וְיִשְׁמְרֶךָ.

יָאֵר יי פָּנָיו אֵלֶיךָ וְיַחֲנֶנֶה.

יֵשָׁא יי פָּנָיו אֵלֶיךָ וְיִשֶּׁם לְךָ שָׁלוֹם.

May Adonai bless you and keep you.

May Adonai's face shine upon you and be gracious to you.

May Adonai's face be lifted to you and grant you peace.

*Continue for Boy/Girl*

כִּי אֲרֹךְ יָמִים וְשָׁנוֹת חַיִּים וְשָׁלוֹם יוֹסִיפוּ לָךְ.<sup>165</sup>

יְיָ יִשְׁמְרֶךָ מִכָּל רָע, יִשְׁמֹר אֶת נַפְשֶׁךָ

May length of days and years of life and peace increase upon you.

May God keep you from evil and guard your soul.

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<sup>165</sup> Proverbs 3:2

עֲדִיתֶיךָ נֶאֱמָנוּ מְאֹד לְבֵיתֶךָ נֶאֱוָה-קֹדֶשׁ יִהְיֶה לְאַרְךָ יָמִים:<sup>166</sup>

Your testimonies are very sure, holiness becomes Your house, Adonai, for  
evermore

May you live to see your world fulfilled,  
May your destiny be for worlds still to come,  
And may you trust in generations past and yet to be,  
May your heart be filled with intuition and your words be filled in insight,  
May songs of praise ever be upon your tongue  
and your vision be on a straight path before you.  
May your eyes shine with the light of holy words  
and your face reflect the brightness of the heavens.  
May your lips speak wisdom  
and your fulfillment be in righteousness  
even as you ever yearn to hear the words of the Holy One,  
the Ancient of Old.  
BT, Brachot 17a

### **Meal and ברכת המזון**

To celebrate the entry of the new child into the family unit, the parents may choose to enhance this day with a celebratory meal that begins with קדוש and המוציא and ends with ברכת המזון.

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<sup>166</sup> Psalms. 93:5

## Postscript

The שמחת הבכורה ceremony provides the possibility for Reform Jews to celebrate and mark an important event in a family's life. This event celebrates the transition of a couple to parenthood. While the traditional פדיון הבן ceremony focuses on the first issue of the womb who is redeemed by the father from the כהן, the שמחת הבכורה focuses on the joy of the first-born's entry into a family. Grounded in the משנה, the new ceremony is liberal in its interpretation of halakhik principles. However, it is somewhat guided by the halakhik principles while maintaining and being true to the latest edition of the Principles of Reform Judaism. Recently, Reform Judaism seems to be redefining itself and in doing so it is reconsidering many traditional rituals and ceremonies. For example, both men and women may lay תפילין. By doing this, Reform Jews are drawing on tradition and simultaneously maintaining gender equality.

This new ceremony provides Reform Jews with an opportunity to embrace a traditional ritual that is mostly ignored. The שמחת הבכורה ceremony provides a couple with another opportunity to celebrate an important moment in their lives at a critical juncture when they are dealing with the addition of a first child.

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