



Va'ad Halakhah - English Summaries

Fasting Until After Mincha on Tish'a B'av

(OH 550:1)

Question:

Is one obliged to fast for a full day on Tish'a b'Av after the State of Israel was founded and the reunification of Jerusalem? May one, alternatively, limit the signs of mourning, and break the fast after Mincha?

Responsum:

We shall deal with seven different aspects of the issue in this responsum:

A. The origin of the fast on Tish'a b'Av.

There is no mention of the origin of the fast in the Talmud. A geonic source (see Otzar Hage'onim, Rosh Hashanah, p. 32) suggests the origin of the fast to be a passage in Mishnah Ta'anit 4:6, but we find that his reading contradicts the gemara there. Yet others, including the Ritva (Hidushim, Megilah 5a), claim that the fast originates in an enactment of the Prophets. We obviously no longer know the origin of the fast; we nevertheless know of the custom to fast in times of crisis (II Samuel 12:15, Yerushalmi Ta'anit 68d).

B. The question in its historical context.

We are not the first generation to pose the question whether one is obliged to fast fully on Tish'a b'Av. The issue was raised before the Priests and the Levites at the onset of the reconstruction of the Second Temple (Zekhariah 7:2-3). The prophet replies: "Thus says the Lord of hosts: the fast of the fourth month, and the fast of the fifth, the fast of the seventh and the fast of the tenth, shall be to the house Judah seasons of joy and gladness, and cheerful feasts; therefore love truth and peace." (idem 8:19). It is unclear whether the words of the prophet are meant as immediate instruction for the present, or as an eschatological vision.

C. Was the fast actually observed in the period of the Second Temple?

There is no clear evidence either way. This point bears great significance for the question addressed to us. The earliest source mentioning fasting on Tish'a b'Av during the time of the Second temple is Mishnah Rosh Hashanah 1:3. Already here the opinions differ as to whether the fast was observed before, or only after, the destruction of the Second Temple. A b'raitā of Rabbi Elazar son of Rabbi Tzadok in Ta'anit 12a-b would seem to indicate that Tish'a b'Av was observed in the Second Temple period, but that too may refer to an event which took place after the Destruction.

A b'raitā in Yerushalmi Beitza 2:2 and in Bavli Ta'anit 13a suggests that only the priests observed the fast of Tish'a b'Av. We therefore assume that to the extent to which the four fast days were observed in the days of the Second Temple, it did not oblige the entire community, but was rather

an individual fast, and one that was observed, possibly among others, by the Priests.

D. Tish'a b'Av in the Talmud and its commentaries.

About a hundred years after the destruction of the Second Temple, the question was raised again by a central figure in the history of the Oral Law, Rabbi Yehudah Hanasi. He wanted to cancel the fast of Tish'a b'Av, but the Sages would not let him (see Megillah 5b and the commentary of the Ritva).

The main source for our question is Rosh Hashanah 18b, which comments on Zekhariah 8:19. The controversy revolves around the words of the prophet: what, exactly, is the definition of "peace", and what is the special status of Tish'a b'Av in comparison to the other fast days. Some commentators explain that the time of Peace is when the Temple is standing (Rashi, Rabbenu Hananel, Tosafot). Others explain that it means a time when Israel lives on its own land (Rashba, Ritva) and has its own government (Rambam).

E. Is there such a thing as a fast for part of a day (a few hours only)?

The halakhah on this issue is clear: in the Mishnah (Ta'anit 2:6) and the Talmud (Ta'anit 11b) we learn that one is allowed, in certain circumstances, not to complete a fast (see also Shulhan Arukh OH 562:7).

F. Are there differences in the customs related to the fast before and after midday?

There are indications that our ancestors treated the morning hours of the fast with more stringency than the afternoon hours. Note, for example, the halakhot concerning Tefillin (and Tzitzit) on Tish'a b'Av only at Minhah (Shulhan Arukh OH 555:1); the reciting of Nahem only at Minhah (Shulhan Arukh OH 557:1 in the Rema); a Brit Milah which falls on Tish'a b'Av shall be carried out only after the Kinnot of Shaharit.

G. A historical precedent of prohibiting fasting on days in which Israel was saved from disasters. Such a precedent is cited in Megillat Ta'anit.

There is a clear historical precedent of canceling a fast on days in which the Jewish people was saved from a disaster. We have been so fortunate as to witness the founding of the State of Israel, where Jews are sitting on their land as a sovereign people. In light of this decisive change in the history of the Jewish people, I propose marking this change by not completing the fast of Tish'a b'Av, and concluding the fast with a Minhah Gedola service.

Rabbi Tuvia Friedman
In favor: Rabbi Reuven Hammer

Question:

Is one obliged to fast for a full day on Tish'a b'Av after the State of Israel

was founded and the reunification of Jerusalem? May one, alternatively, limit the signs of mourning, and break the fast after Minhah?

Responsum:

In order to address this question we must look into three aspects of Tish'a b'Av: A) the historical aspect; B) the halakhic aspect; C) the ideological aspect.

A) The historical aspect:

Was the fast of Tish'a b'Av observed during the days of the Second Temple? There are various opinions regarding this question. Professor Epstein answered in the affirmative on the basis of three talmudic sources: Mishnah Rosh Hashanah 1:3; Yerushalmi Beitza 2:2, 61b (also see Bavli Ta'anit 13a); Tosefta Ta'anit 3:6 (Lieberman, p. 338 and parallels). According to these sources it is clear that the fast day of Tish'a b'Av was indeed observed during the days of the Second Temple. If the fast was observed in the days when the Temple was intact, when there was no apparent reason to fast, it implies all the more that we too, today, are obliged to fast.

B) The halakhic aspect:

Rabbi Judah Hanassi himself wanted to uproot the observance of Tish'a b'Av, but his pupils would not let him (Bavli Megilah 5a-b). In Ta'anit 30b and Pesahim 54b, Tish'a b'Av is compared to the Day of Atonement. On the other hand, the stringency concerning the 17th of Tamuz was somewhat reduced in Eretz Yisrael at the beginning of the Amoraic period (Yerushalmi Ta'anit 4:8, 68d). There seemed to be a tendency to alleviate the stringencies of the 17th of Tamuz while increasing the stringencies related to Tish'a b'Av.

The decisive source throughout the ages, which guides us as well, is Bavli Rosh Hashanah 18b, discussing Zekhariah 8:19, which describes three possible approaches: If we live in times of peace we must feast on the four original fast days; if we live in times of crisis and danger, then we must fast on all four days; and finally, if it is a time of neither peace nor danger, then one is obliged to fast on Tish'a b'Av, but on the other three days - one may fast if one so wishes.

C) The ideological aspect:

This aspect revolves around the concept of "peace": what is "peace"? When do we know that the time we live in is a time of "peace"? Almost all of the Rishonim maintain that "peace" is the time of the Temple. Some argue, following Rashi and Hame'iri (Rosh Hashanah, *ibid.*) who hold that peace means Jewish sovereignty, that "peace" stands for the existence of the State of Israel, but this view must be rejected, for the following reasons: Rashi and Hame'iri hold a minority opinion, whereas the vast majority of the halakhic decisors and commentators equate "peace" with the existence of the Temple. Even if we were to accept this minority opinion, are we not under constant threat of war and violence?

Some argue that Tish'a b'Av should not be observed so strictly, since we are not interested in the rebuilding of the Temple and the renewal of worship in it. But this is merely one aspect of the fast day. We mourn on Tish'a b'Av not only for the Destruction, but also pray for redemption, as cited in the midrash (Yerushalmi Berakhot 2:4, 5a, and Eikhah Rabbah, parasha 1): the Messiah was born on the day of the Destruction of the Temple. We were fortunate to witness the beginning of redemption in our time, and therefore celebrate Israel Independence Day. But redemption is not yet complete, and therefore we must fast on Tish'a b'Av.

In conclusion, it is prohibited to fast for only half a day on Tish'a b'Av for the following reasons:

- A. We have proved that during the days of the Second Temple the fast of Tish'a b'Av was observed while there was no apparent reason to fast; it implies, therefore, that we too are obliged to fast.
- B. Halakhically speaking, there is no possibility to fast only half a day on Tish'a b'Av: one must fast either on all four fast days, or on Tish'a b'Av alone, or on none of the fast days and turn them all into feast days.
- C. It cannot be assumed that we have reached a time of "peace", since there is no Temple, and Israel is still under constant threat of violence.

How are we to conduct ourselves in this matter? We must renew the custom of the ge'onim, which was cancelled around one thousand years ago. According to this custom, one is obliged to fast on Tish'a b'Av only, and may fast on the other days. This is the logical step, considering both the halakhic aspects and the historical reality of the founding of the State of Israel and the reunification of Jerusalem and it is unfortunate that no halakhic authority in our time has dared take this step.

Rabbi David Golinkin

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