

How Long Do We Fast on Tisha B'Av? A Tale of Two Narratives

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A well-known position of the Conservative/Masorti movement declares it permissible to end one's fast on Tisha B'Av following the *minḥah* (afternoon) service. By *minḥah* it means *minḥah g'dolah*, a period beginning just after noon (six and one-half hours of the day when the daylight period is divided into twelve equal hours). The position is set forth in a *t'shuvah* of the Vaad Halakhah, or Law Committee, of the Israel branch of the Rabbinical Assembly (RA). The [opinion](#), which expresses the Committee's majority view, was authored by Rabbi Tuvia Friedman; Rabbi David Golinkin [dissents](#), arguing that the full-day fast be maintained. (See [here](#), in Volume One of the Vaad's *t'shuvot*, for English summaries.) While the majority bases its argument upon a number of different considerations, we want to look here at the central part of its halakhic argument, found in section 4 of the responsum, "The Talmud and Its Commentators on Tisha B'Av."

Rabbi Friedman identifies "the principal textual source" on the contemporary observance of Tisha B'Av as *B. Rosh Hashanah* 18b:

דאמר רב חנא בר ביזנא אמר רב שמעון חסידא: מאי דכתיב כה אמר ה' צבאות צום הרביעי וצום החמישי וצום השביעי וצום העשירי יהיה לבית יהודה לששון ולשמחה. קרי להו צום, וקרי להו ששון ושמחה, בזמן שיש שלום – יהיו לששון ולשמחה, אין שלום – צום. אמר רב פפא: הכי קאמר: בזמן שיש שלום – יהיו לששון ולשמחה, יש שמד – צום, אין שמד ואין שלום, רצו – מתענין, רצו – אין מתענין

Hannah b. Bizna has said in the name of R. Simeon Ḥasida: "What is the meaning of the verse (Zecharia 8:19): 'Thus had said the Lord of Hosts: 'The fast of the fourth month and the fast of the fifth and the fast of the seventh and the fast of the tenth shall be to the house of Judah joy and gladness'? The prophet calls these days both days of fasting and days of joy, signifying that when there is peace they shall be for joy and gladness, but when there is no peace they shall be fast days."

Rav Papa replied: "It means that when there is peace they shall be for joy and gladness; if there is persecution, they shall be fast days; if there is no persecution but yet not peace, then those who desire may fast and those who desire need not fast."

The fasts mentioned here are "Rabbinic," decreed by ancient authorities in memory of historical disasters in the life of the nation. The Talmud identifies "the fast of the fifth month" as Tisha B'Av (Av being the fifth month of the year according to the Biblical order of the months that begins with Nisan).[1] This raises the possibility that in a time of peace (*b'z'man sheyesh shalom*) Tisha B'Av will cease to be a day of fasting and mourning. The key question, then, is how we define "peace." While the standard approach associates the term *shalom* with an era in which the Temple is standing,[2] some authorities hold that it refers to a time when Israel dwells

upon its land (שישראל שרויין על אדמתן).[3] Add to this the observation of Maimonides that “a time when Israel dwells upon its land” is “a time when Israel enjoys sovereignty (מלכות),”[4] and you can see where all this is going. Today, as Rabbi Friedman notes, with the establishment of the state of Israel, the Jewish people “dwells upon its land” in a condition of national sovereignty. And along with the *t’shuvah*’s other halakhic considerations,[5] this transformative fact of Jewish life leads to the conclusion that the fast of Tisha B’Av may be ended at the time of *minḥah g’dolah*.

Rabbi Friedman’s *p’sak* (ruling) rests largely upon the particular story it tells about contemporary Jewish history. In this narrative, the creation of a sovereign Jewish state heralds a new and quite different era in our people’s history. The very existence of the state – even in the absence of the Temple, the Messiah, or the other traditional symbols of Redemption (*g’ulah*) – is a matter of *religious* as well as national significance. Have we not added important dates in the State’s history, such as Yom Ha’atzma’ut (Independence Day) and Yom Hazikaron (Memorial Day) to our ritual and synagogue calendars? It is no surprise, then, that the existence of the state should affect the way we observe other days that mark moments in our history.

And for this reason, it is also no surprise that a very different story lies at the root of Rabbi Golinkin’s dissent. As he sees it (conclusion, p. 47): “We cannot say that we have entered an era of ‘peace,’ for there is no Temple, we are still subjugated to Gentile authority (יד העכו”ם עדיין (תקיפה על ישראל), and there is no real peace in the land of Israel.” The story Golinkin tells (in detail at pp. 45-46) is, to be sure, the one favored by most traditional authorities, and it is coherent with the narrative of Jewish history familiar to many readers. Most *poskim* in fact identify *shalom* in this context with the existence of the Temple. We *do* remain “subjugated to Gentile authority,” so long as we accept Golinkin’s controversial definition of this “subjugation” as the persistence of antisemitism, hostility toward the state of Israel, and oppression of Jews in countries around the world. And, of course, the state of Israel has not enjoyed even one day of true “peace” since its founding. In Rabbi Golinkin’s narrative, then, the establishment of the state of Israel hardly “transformed” the situation of the Jewish people from that which it has been for lo these past two thousand years: a despised and persecuted minority, hoping for Divine deliverance while trembling at the wrath of the nations. Meanwhile, according to the narrative favored by the committee’s majority, the existence of a sovereign Jewish state in the land of Israel marks a radical shift in the Jewish condition even if true *shalom* must await the final redemption. “Subjugated” no more, the nation now stands on its sovereign feet, able to determine its course in the manner of all other nations and to advocate for the rights of Jews around the world from a position of strength and pride.

Again, the halakhic issues involved in this question are varied and complex. But when you get right down to it, the *mahloket* between the majority and minority opinions of the Vaad Halakhah is a *mahloket* between competing narratives of Jewish history and destiny. From our perspective, all observant Jews in our day must *choose* between those narratives; we must decide which story we tell *to ourselves about ourselves*. That choice will do much to determine whether we abstain from eating and drinking on Tisha B’Av and, if we do, just when we decide to conclude our fast.

Tzom kal – and good storytelling – to all.

[1] The fast of “the seventh month” – Tishri – is therefore Fast of Gedalia and *not* Yom Kippur, which of course is Toraitic (*mid’oraita*) in origin.

[2] See R. Ḥananel and Meiri *ad loc.*, Ramban (*Torat Ha’adam*).

[3] Rashba *ad loc.*

[4] Rambam, *Hil. Megilah* 1:9, where he codifies the Talmudic phrase בזמן שהשנים כתקנו וישראל שרויין על אדמתם (B. *Megilah* 2a).

[5] These include:

- a) the “partial fast,” one that is concluded well before the end of the day (מתענין ולא משלימין), is a well-attested feature of Jewish observance;
- b) the tendency in the *halakhah* to treat the latter part of Tisha B’Av (i.e., around *minḥah*) with a lesser degree of solemnity (e.g., at *shaḥarit* the *tallit* and *t’filin* are forbidden, as befits the mourning aspect of the day, while they are worn at *minḥah*);
- c) the aggadic tradition that God’s anger was fully vented against the Temple during the morning of Tisha B’Av, implying that the latter part of the day is a time for hope and comfort (נהמתא).

In addition, there is a factor mentioned by neither the majority opinion nor the dissent. According to one interpretation of its history, the observance of Tisha B’Av originates in a *takanat n’vi’im*, an enactment of the prophets (in this case: Zecharia 8:19) acting in the legislative capacity of the Sanhedrin or high court of law; see *Mishnah B’rurah* to *Orah Ḥayyim* 549, no. 1. (Most other authorities write of the observance as a *minhag*, a custom adopted by all Israel.) This raises the question whether a *takanah* of the ancient authorities can be annulled by the rabbis of our own day. We think it can, but that’s an issue for another time.