

Medina & Halacha

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Can We Cancel Tisha B'Av?

The Four Fasts in Light of the Miracle of the Modern State of Israel

Following the miraculous return of the Jewish People to their ancestral homeland, and in the wake of the miraculous birth of the State of Israel and dramatic reclamation of Jerusalem and the Temple Mt., a number of authorities discussed and debated the relevance of Tisha B'Av, along with the other fasts instituted by our sages to mourn the destruction of the Holy Temple and Jerusalem.

While the notion of nullifying Tisha B'Av along with the other fasts may sound shocking, this question was first asked 2,500 years ago!

As the Temple in Jerusalem was being rebuilt, the Jews of Babylonia sent a message to the Kohanim and the Prophets in the Land of Israel, asking them to inquire of Hashem, "Should I weep in the Fifth Month [Av], abstaining [from pleasures] as I have been doing for many years?" (Zechariah 7:3).

Zechariah answers that the Four Fasts will one day be transformed into festivals: "Thus said Hashem, Master of Legions: The Fast of the Fourth, the Fast of the Fifth, the Fast of the Seventh, and the Fast of the Tenth, shall become occasions of joy and gladness,

happy festivals for the House of Judah; [Only] love truth and peace!" (Zechariah 8:19).

But the intent of this prophecy is unclear. When exactly will these days be celebrated as days of "joy and gladness"?

The Talmud (Rosh HaShanah 18b) notes that the prophet refers to these days as both "fasts" and days of "joy and gladness." Rav Chana bar Bizna in the name of Rav Shimon Chasida explains, "At a time when there is peace, they will be for joy and gladness. But when there is no peace, [they will remain days of] fasting." According to Rav Papa, "At a time when there is peace, they will be for joy and gladness, but when there is a decree from the government [persecuting the Jewish People], [they will remain days of] fasting. If there is neither a governmental decree nor peace - if they want to they may fast, if they do not want to they do not fast." The Talmud continues and explains that Tisha B'Av, however, has a different status than the other fasts, as a number of "tragic events were repeated on it."

But just how is "peace" defined?

The Rashba explains that 'peace' means a time when the Jewish People have sovereignty over their land. With Jewish sovereignty over the State of Israel today - and in the absence of any governmental decree persecuting the Jewish People - we would meet the Talmud's criteria of transforming our

fasts as festivals, according to the Rashba. However, according to most authorities - including Rashi, Tosafot, Rabbenu Chananel, Ramban, Ritva, and the Tashbetz - a 'time of peace' implies that the Holy Temple is standing. Without the Holy Temple, there is no 'peace.' But even without 'peace,' in the absence of a 'decree' against the Jewish People, the 17th of Tammuz, Tzom Gedaliah, and the 10th of Tevet would be optional today. As the Talmud states, "if they want to they may fast, if they do not want to they do not fast."

The position of the Rambam requires analysis. At the end of Hilchot Ta'aniot (5:19), the Rambam records the prophecy of Zechariah and writes: "All of these fasts will be nullified in the future in the days of Moshiach, and not just that but in the future they will be festivals and days of joy and gladness, as it says, 'The Fast of the Fourth, the Fast of the Fifth, the Fast of the Seventh, and the Fast of the Tenth shall become occasions of joy and gladness, happy festivals for the House of Judah; [Only] love truth and peace!'"

But curiously, in his Commentary to the Mishnah (Rosh Hashanah 1:3), the Rambam records that during the Second Temple Period, the Fast of Tisha B'Av was observed, while the other fasts days were optional (But see Tashbetz 2:271, who disagrees that they fasted, and assumes this is an error in the Rambam).

While it is difficult to understand how according to the Rambam these fasts were observed while the Second Temple was standing, it would appear that the Rambam believed that 'peace' had not yet been achieved, even with a Temple. One explanation could be the Greek and Roman occupation. Another possible explanation, the spiritual state of the Second Temple, which was just a shadow of the First. Yet another explanation, the spiritual state of the Jewish People themselves during the Second Temple. As the Maharsha (Rosh HaShanah 18b) explains, the prophecy of "joy and gladness" is predicated on "truth and peace," as that is how the verse concludes. In the absence of "truth and peace," the Maharsha writes, even in the presence of a Holy Temple, we revert back to fasting. As is known, the Second Temple period was one of corruption, strife, and baseless hatred, which could explain why according to the Rambam the fasts were observed. Rav Moshe Soloveitchik explained that this is why the Rambam himself includes the end of the verse, "[Only] love truth and peace," indicating that in the absence of truth and peace - even with a Holy Temple standing - Tisha B'Av and the other fasts are very much relevant (See the OU's Mesorah, vol. 15, p. 47).

It would appear that the observance of these fast days is subject to the changing reality.

Historically, a number of Ge'onim and

Rishonim ruled that as the period they lived in was neither one of 'peace' nor 'decree' against the Jewish Nation, the 'Three Minor Fasts' are optional (See Ginzei Kedem, Vol. 3, p. 43; Rabbeinu Chananel, Rashbah, Ritva, and Ran to Rosh HaShanah 18b).

The Talmud (Megillah 5b) relates that Rebbe, Rav Yehudah HaNassi, "bathed on the market day in Tzipori on the 17th of Tammuz and sought to abolish Tisha B'Av, but they [the sages] did not agree with him." The Talmud continues and explains that Rebbe was only interested in abolishing Tisha B'Av which fell on Shabbat, arguing that "once it is postponed, let it be postponed [altogether]." But Rav Yaakov Emden and the Vilna Ga'on explain Rebbe's behavior in light of the period in which he lived. While the Second Temple had been destroyed, and the Romans occupied the Land of Israel, Rabbi lived during a period of relative peace and prosperity, expressed by his relationship with Antoninus (See Avodah Zarah 10a). Tosafot, however, points out that while Rebbe may have bathed on the 17th of Tammuz, he did not eat, as these fasts were already accepted by the Jewish People and no longer subjective.

In fact, many Ge'onim and Rishonim ruled that once the Jewish People have accepted the Three Fasts upon themselves, the fasts become obligatory (See Sha'arei Teshuvah, 77; Shibolei HaLeket, Seder Ta'anit 278; Tur,

Orach Chayim 550. See also Tashbetz 2:271). According to the Ramban, the fasts are indeed obligatory today, "all the more so in these generations where because of our many sins there is 'decree' and no 'peace'" (Torat HaAdam, Inyan Aveilut Yeshanah).

The Rambam (Hilchot Ta'anot 5:1) writes that "There are days when all of Israel fasts..." and "All of Israel observes these days by fasting..." (Ibid., 5:5). The Maggid Mishnah (ad Loc.) comments that this implies that today the fasts are obligatory. The Shulchan Aruch too rules: "We are obligated to fast on Tisha B'Av, the 17th of Tammuz, the 3rd of Tishrei [Tzom Gedaliah], and the 10th of Tevet because of tragic events that happened on them" (Orach Chayim 549:1), and "Everyone is obligated to fast on these four fasts and it is forbidden to make a breach in the fence" (Orach Chayim 550:1).

But if the reality should change dramatically, would these fasts still be obligatory?

Even before the founding of the State of Israel, there was a sense that the nascent Jewish settlement was witness to the beginning of the process of Redemption. For some, the very appointment of Sir Herbert Samuel as High Commissioner of pre-State Palestine was a sign that redemption was imminent. After all, Samuel was the first Jew to govern the Land of Israel in 2,000 years. Some even accorded him

status similar to the King of Israel! (See, for example, Chidushei HaRav Chaim Hirschensohn, vol. 2, Letters, no. 27).

In a letter written by Rav Avraham Yitzchak HaKohen Kook, dated 19 Tammuz 5680 (July 1, 1920), Rav Kook recognized that the appointment of Herbert Samuel is "an auspicious sign for the House of Israel and its revival," but continued and wrote: "However, as to the fast days, I think that until Hashem will establish our destroyed Temple before our eyes, on top of the high mountain as a glory in the eyes of all the nations, it is impossible for us to cancel them" (Igrot HaRe'iyah vol. 4, p. 67; Mo'adei HaRe'iyah, p. 544; Tiferet Ya'akov, p. 5).

For Rav Kook, along with many authorities, the Holy Temple in Jerusalem is a sine qua non for turning our fasts into feasts.

Following the miraculous birth of the State of Israel, rabbis and scholars would discuss and debate if Israel's Independence makes the Four Fastes irrelevant. Even the Jewish communities of Istanbul and Algiers inquired of Israel's Chief Rabbinate whether to fast on Tisha B'Av. Chief Rabbi Yitzchak HaLevi Herzog responded in a telegram stating very clearly: "The fast of Tisha B'Av, which is founded in the destruction of the Holy Temple, is not nullified. Not it nor the other fasts" (See Techumin, Vol. 18, p. 488).

But in the wake of the dramatic events of June 1967, the question would surface once again.

Addressing the new reality of a unified Jerusalem, Rav Chaim David HaLevi, who served as Chief Rabbi of Rishon L'Tzion and later Tel Aviv, wrote that while we have merited the "'first flowering of Redemption' with national independence, is it not clear that it is not the final Redemption until we merit the coming of the Moshiach and the building of the Temple?"

He continued, "Now, when we have conquered the Temple Mt. through a military victory, and nevertheless Halacha prohibits us from entering into the holy place and performing the the holy service there, and all the more so as we see that there remain 'foxes that trespass upon it,' what is the reason to even think of nullifying the fast [of Tisha B'Av]...?" (Aseh Lecha Rav 1:13).

Rav Tzvi Yehudah HaKohen Kook also felt that, "we cannot touch the fasts commanded by the prophets." He continued, "while we find ourselves in the historic process of the Redemption of Israel... One must understand that the fasts today are a continuation of the root of the pain of the past over the destruction of the Temple, and these things pain us until this very day" (Sichot HaRav Tzvi Yehudah, Yom Yerushalayim 5728).

Rav Ya'akov Ariel ruled that in order to

make any changes "there is a need for an authoritative Beit Din over Am Yisrael and true peace. And according to the current situation it appears that today we have neither." He continues that while we have achieved sovereignty, the current security situation - as well as the spiritual state of the State of Israel - make it impossible to exempt us from these fasts (B'Ohalah Shel Torah 2:74).

In a lecture given in 1968 (adapted by Rav Yair Kahn, translated by David Strauss, and available on Yeshivah Har Etzion's website), Rav Yosef Dov HaLevi Soloveitchik grappled with the question of Tisha B'Av in light of the State of Israel:

"Does Yom Ha-Atzmaut answer the question of 'eikha'? Only fools can think so, arrogant fools, and there are many fools of that sort. Can a Jewish government or military success be considered a substitute for all the suffering and killing of the years of Israel's exile? It is forbidden to say that this is the recompense for six million Jews who were slaughtered. This is an expression of cruelty and a total lack of sensitivity. Does the rejoicing of the Six Day War answer all the questions that arose in the period that preceded it? Are we not as puzzled and confused as we had been before it? Did this triumph lessen our sorrow and calm our spirits? Did it resolve our problems and doubts? Is it not incumbent upon us to repeat, as did Yirmeyahu, the question of 'eikha'?

As long as God's will is as obscure as it was during the dark night of the hiding of His face, as long as historical events have not been clarified from a comprehensive and true perspective, as long as the world mocks us because of our faith in a merciful and gracious God, as long as the mystery of "eikha" has not found a solution - it is forbidden to abandon Tisha Be-Av. As long as a Jew asks "eikha," one must continue to fast on Tisha Be-Av. Only after we succeed in deciphering the mystery of "eikha" will we be able to abandon the fast of the fifth month."

For Rav Soloveitchik, Tisha B'Av is the day when we mourn all of the calamities and tragedies throughout Jewish History. The day itself - along with Megillat Eichah - charges us with making sense of our national suffering. Until we understand the root of our suffering, Tisha B'Av is still very relevant according to Rav Soloveitchik.

In the Prayer for the Welfare of the State, we describe the State of Israel as the "first flowering of Redemption." We recognize that it is not yet Redemption, but the beginning of an ongoing process that is unfolding before our very eyes. We recognize how far we have come, but how far we still are. Indeed, Rav Tzvi Yehudah HaKohen Kook believed that "One may fast and mourn for the destruction of the Temple and the Exile, and at the same time see and recognize the light of salvation that shines forth in our day" (Sichot HaRav Tzvi Yehudah,

Yom Yerushalayim 5728).

May we merit to "recognize the light of salvation that shines forth in our day", but also mourn properly, and see the fulfilment of the promise of our Sages: "All who mourn for Jerusalem will merit to witness her in her joy" (Ta'anit 30b). And may we merit to finally observe Tisha B'Av as a festival, instead of a fast.