**YESHIVAT HAR ETZION**

**ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM)**

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**Deracheha: Women and Mitzvot**

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Fast Days

By Debbie Zimmerman

When do we fast and why? What is the level of obligation on each fast day? Who is obligated?

# Opening

In principle, the laws of fasting apply to all Jews regardless of gender. In practice, some health-related reasons for potential exemption – pregnancy, childbirth, breastfeeding, and fertility treatment – are specific to women. Sometimes discussion around exemptions from fasting attracts more attention than the fasts themselves.

We present here the basic *halachot* obligating women to fast. The focus of this piece, however, is the significance of fasting and of the fast days themselves. In future pieces, we focus more directly on the intersection of women's health and fasting.

# Yom Kippur

Yom Kippur is the only fast day ordained by the Torah. Yet, despite the fact that fasting is often associated with mourning, the Talmud describes it as one of the happiest days of the year, an annual opportunity to merit atonement and forgiveness.

*Ta’anit* 30b

Rabban Shimon ben Gamliel said: There were no festive days for Israel like 15 Av and like Yom Kippur… Yom Kippur, because it has forgiveness and pardon, the day on which the final tablets were given…

Rashi explains that God deliberately established Yom Kippur on the 10th of Tishrei, the date on which Moshe received the second set of tablets, because it represents Divine forgiveness.

Rashi *Ta’anit* 30b s.v. *She-nitenu bo luchot acharonot*

That day was established as Yom Kippur to make known that He forgave and retracted from the evil that He had spoken of doing to His nation, and therefore the fast of Kippur was established on the 10th of Tishrei; thus I heard.

An essential element of the day, as defined by the Torah, is the commandment of *inuy nefesh*, afflicting ourselves.[[1]](#footnote-1) Sometimes, as in these verses from *Parashat Emor*, the obligation of affliction is intertwined with the prohibition of performing labor. Together, these acts of desisting from usual activity enhance and reflect the great sanctity of the Day of Atonement.

*Vayikra* 23:27-32

But on the 10th of this seventh month, it is a Day of Atonement, it shall be for you a sacred assembly, and you shall afflict your souls and bring a sacrifice to God. You shall not do any labor on this very day, for it is a Day of Atonement to atone for you before the Lord your God. For every soul who is not afflicted on this very day shall be cut off from its nation. And every soul that does any labor on this very day, I will destroy that soul from the midst of its nation. You shall not do any labor, it shall be a statute forever for your generations in all your settlements. It is a Shabbat *of rest* for you, and you shall afflict your souls…

Woman's Obligation

Central to the afflictions we observe on Yom Kippur are not eating or drinking. The Talmud provides a couple of explanations for how we derive this halacha from the words of the Torah:

*Yoma* 74b

Our rabbis taught…It says “and I shall destroy that soul” (*Vayikra* 23:30) – affliction that is destruction of the soul. And what is this? This is eating and drinking….It was taught in the school of Rabbi Yishmael: Affliction is said here, and affliction is said there [“He afflicted you and made you hungry and gave you manna to eat” (*Devarim* 8:3)]. Just as there, affliction is hunger, so here, affliction is hunger.

Our sages understand the obligation to afflict oneself, including fasting, as a negative commandment as well as a positive one, even though "though shalt not" language regarding affliction does not appear in the Torah. The Talmud explains:

*Yoma* 81a

Reish Lakish said, why is no prohibition stated with affliction?... Rav Acha bar Ya’akov said, derive “*Shabbat Shabbaton*” [Yom Kippur] from *Shabbat Bereishit* [Shabbat observed weekly based on the seventh day of Creation]. Just as there, [the Torah] did not punish unless it prohibited, so here it did not punish unless it prohibited

Since the obligation to fast entails a negative commandment, women are fully obligated in it, even though it is time bound:

*Sukka* 28a-b

Yom Kippur is derived from Rav Yehuda in the name of Rav, for Rav Yehuda said in the name of Rav, and it was also taught in the school of Rabbi Yishmael: Scripture says “man or woman” – the verse equates a woman to a man for all the punishments in the Torah.

Although a person violates the Torah commandment to fast by eating or drinking any amount,[[2]](#footnote-2) one incurs full liability (*karet*, spiritual excision) only by eating or drinking a quantity of food equivalent to the volume of a date, or a cheek's full of drink,[[3]](#footnote-3) because this amount of food would give one a settled feeling, the opposite of affliction:

*Yoma* 79a

Rav Yehuda said: The large date that they said – is larger than the volume of an egg, and the rabbis have a tradition that with this, his mind is settled.

Sefer Ha-chinuch summarizes these *halachot* clearly, adding some ideas about their meaning:

*Sefer Ha-chinuch* Mitzva 313

To fast on the 10th day of Tishrei … among the roots of the mitzva, that it is among God’s kindnesses over all His creatures to establish for them one day in the year to atone for sins with repentance … Therefore, we are commanded to fast on it, because food and drink and other pleasures of the sense of touch awaken our physical nature to be drawn after desire and sin … It is not fitting for a bondsman on the day he comes in judgement before his Master to come with a spirit dark and confused from food and drink, with thoughts of the physicality within which it resides … it is good for him to elevate his intelligent soul, and to subdue the physical before it on that honored day, so that it will be fitting and ready to receive its atonement …. It is an affliction for a person as long as he does not eat a date’s worth, for a person’s mind is not settled with less … and similarly, what they said, that the measure of drinking is a person’s cheek full … and with less than this there is no prohibition of excision …. It applies in every place and at every time, for males and females. One who violates it and ate on Yom Kippur the measure of a date’s worth violated a positive commandment, and violated a negative commandment that is liable for excision, as it is said “For every soul who is not afflicted on this very day shall be cut off”

We fast on Yom Kippur to separate ourselves from our physical qualities and desires so that we are primed to receive atonement. Eating or drinking on Yom Kippur beyond a certain measure is punishable by *karet*, spiritual excision, regardless of one's gender.

# Five Fasts

The Jewish calendar includes five fast days aside from Yom Kippur, none of which appears in the Torah. The events recounted in Megillat Esther inspired the Fast of Esther before Purim (though its earliest mention dates from the Geonic era), and the prophet Zecharya is the first to mention the other four fast days.

The four fasts were originally established following the destruction of the First Temple and the accompanying exile. In the wake of the dedication of the Second Temple, the Jews of Bavel sent an envoy to inquire whether they should still mourn the first. Zecharya conveys God’s response:

*Zecharya* 7:4-6, 16, 19

And the word of the Lord of Hosts came to me, saying. Speak to all the people of the land, and to the priests saying: When you fasted and lamented on the fifth and the seventh [months], these seventy years, did I fast? And when you eat, and when you drink -- behold you are the ones who are eating, and you are the ones who are drinking… These are the things that you should do. Speak truth, each person to their fellow -- truth and a peaceful judgement you shall judge in your gates. And do not think evil of each other in your hearts, and do not love false oaths … So says the Lord of Hosts: the fast of the fourth and the fast of the fifth and the fast of the seventh and the fast of the tenth [months] will be for the house of Yehuda rejoicing and happiness and good appointed times, and truth and peace you shall love.

God does not answer the question directly, instead telling Zecharya that it is the people who initiated the four fasts and they must make the decision, though the fasts will ultimately become days of rejoicing. God also takes the opportunity to remind us of the imperative to pursue social justice. Interpersonal iniquity led to the destruction and exile that the fasts commemorate.

Zecharya mentions fasts in the fourth, fifth, seventh, and tenth months. Counting from Nissan, these correspond to fasts in the months of Tammuz, Av, Tishrei, and Tevet. The Tosefta explains:

Tosefta *Sota* 6:10

Rabbi expounded: … The fast of the fourth is the 17th of Tammuz when the [wall of the] city was breached… The fast of the fifth is Tisha Be-Av, the day the Temple was burned… The fast of the seventh is the 3rd of Tishrei when Gedalya ben Achikam was assassinated… the fast of the tenth is the 10th of Tevet when the King of Babylon besieged Jerusalem…

These fasts initially commemorated the national tragedies at the end of the First Temple period: the capture of Jerusalem, the destruction of *Beit Ha-mikdash*, and the ensuing exile.  Let’s examine the four fasts in the order of these historical events, and then take a look at *Ta’anit Esther*.

**I. Asara be-Tevet, 10 Tevet**  As described in *Melachim*, on this date Babylonian forces began their siege of Yerushalayim, which lasted for three years and culminated in famine, the conquest of the city, and the destruction of the Temple:

*Melachim* II 25:1, 3

In the ninth year of his rule, in the tenth month on the 10th of the month Nevuchadnetzar the King of Bavel came with all his army upon Yerushalayim and encamped upon it and built a siege-tower around it. And the city was besieged until the eleventh year of the King Tzidkiyahu. And the famine was great in the city, and there was no bread for the people of the land.

The Talmud explains that the “fast of the tenth” referred to in *Zecharya* commemorates these events:

*Rosh Ha-Shana* 18b

The fast of the tenth - this is the 10th of Tevet when the king of Bavel besieged Jerusalem…

Later sources mention other tragedies close to this date: the translation of Torah into Greek and the deaths of Ezra and Nechemya[[4]](#footnote-4). Shortly after the establishment of the State of Israel, the Chief Rabbinate designated Asara Be-Tevet as *Yom Ha-Kaddish Ha-kelali*, on which *Kaddish* is recited for Holocaust victims whose date of death is unknown.

**II. Shiva-Asar Be-Tammuz, 17 Tammuz** Yirmiyahu reports that Nevuchadnetzar’s forces breached the walls of Yerushalayim on 9 Tammuz, en route to destroying the First Temple. The Talmud notes that the comparable breach in the Second Temple era occurred on 17 Tammuz (when we observe the fast).

Ta’anit 28b

The city was breached – that was on the 17th. Isn’t it written (*Yirmiyahu* 52:6) in the fourth month on the 9th of the month the famine was great in the city, and it is written after that (*Yirmiyahu* 52:7) “and the city was breached…”? Rava said: there is no contradiction. Here [it refers to] the first [Temple] and here to the second. As it is taught, with the first [Temple] the city was breached on the 9th of Tammuz, with the second on the 17th.

Shulchan Aruch explains that we observe the fast on the 17th because we are more directly affected by the Second Temple’s destruction:

*Shulchan Aruch* OC 549:2

Even though it says in the Bible: “In the fourth month on the 9th of the month the city was breached,” we do not fast on the 9th but rather on the 17th … because the city was breached on the 17th during the Second [Temple period] they established the fast on the 17th of the month because the destruction of the Second Temple is more severe for us.

The mishna notes that this is one of several tragedies that befell the Jewish people for which we fast on 17 Tammuz:

Mishna *Ta’anit* 4:6

Five things happened to our forefathers on the 17th of Tammuz....On the 17th of Tammuz the tablets were broken, the [daily] *Tamid* offering ceased, the city [wall] was breached, Apostomus burned the Torah, and an idol was erected in the sanctuary.

**III. Tisha Be-Av, 9 Av** Tisha Be-Av marks the destruction of both Temples. The Biblical account of the first Temple’s destruction variously mentions the 7th and the 10th of Av. The Talmud reconciles these views, and explains the logic behind marking the 9th of the month.

*Ta’anit* 29a

The First Temple was destroyed, as it is written (*Melachim* II 25:8) “In the fifth month on the 7th of the month, that is the nineteenth year of King Nevuchadnetzar, king of Bavel, Nevuzaradan, the chief of the guards, and officer of the king of Bavel, came to Yerushalayim and burned the House of God…” And it is written (*Yirmiyahu* 52:12) “In the fifth month on the 10th of the month, that is the nineteenth [year] of King Nevuchadnetzar, king of Bavel, Nevuzaradan, the chief of the guards, stood before the king of Bavel in Yerushalayim and burned the House of God…” And it is taught [in a baraita], it is impossible to say on the 7th, for it was already said on the 10th. And it is impossible to say on the 10th, for it was already said on the 7th. How is this? On the 7th, foreigners entered the Sanctuary, and they ate and sinned there on the 7th and 8th, and on the 9th close to dark they lit it on fire, and it kept burning the entire day…and according to the rabbis, the beginning of the calamity is more significant.

On the 9th of the month, the final stage of destruction began as the Temple was set alight. The custom to continue many of the mourning practices of the nine days into the 10th of Av derives from this passage as well, since the 10th is when the destruction was complete.

A mishna adds a number of other tragedies that occurred on 9 Av. All of these become part of the significance of Tisha Be-Av, alongside the loss of the Temple.

Mishna *Taanit* 4:6

Five things befell our forefathers on the 17th of Tammuz, and five on Tisha Be-Av… On Tisha Be-Av it was decreed that our forefathers would not enter into the land [of Israel after the sin of the spies], and the first and second Temples were destroyed, and Beitar was captured, and the city [of Yerushalayim] was ploughed over.

In a recent blogpost, Rachel Sharansky Danziger reminds us that when we mourn Beit Ha-mikdash on Tish'a Be-Av, we mourn more than the loss of a building.[[5]](#footnote-5)

Rachel Sharansky Danziger, The Days after Tish'a Be-Av, The Times of Israel

The building was important because it encompassed an ever-evolving relationship with God, an ongoing act of creation. Without the relationship, it was but mortar and stone….In the Temple, we constantly recreated and expanded our relationship with God through a variety of moments and actions and experiences. And today, we mourn the loss of all those moments.

**IV. Tzom Gedalya, 3 Tishrei**  After the destruction of the First Temple, a small remnant of the Jewish people remained in Judea, and the Babylonians appointed Gedalya ben Achikam to rule over them. A group of Jewish anti-Babylonian zealots assassinated him, which led to the end of any significant Jewish presence in Judea until the return to Zion under Persian rule. Tzom Gedalya on 3 Tishrei commemorates these events.

*Rosh Ha-Shana* 18b

The fast of the seventh - this is the 3rd of Tishrei, when Gedalya ben Achikam was assassinated. And who killed him? Yishmael ben Netina killed him. This teaches you that the death of righteous people is comparable to the burning of the House of God.

Tzom Gedalya is often discussed as marking the end of centuries of continuous Jewish settlement in the Land of Israel. This gemara, however, focuses on the individual, and reminds us that each loss of a righteous individual is as world-shattering as the destruction of the Temple. If we had the time, each death could be mourned in its own right. A significant part of the tragedy commemorated by Tzom Gedalya is the fact that intra-Jewish conflict led to one Jew murdering another.

**V. Ta’anit Esther, 13 Adar** In the period in between the two Temples, Esther asks the Jews of Shushan to join her in fasting for three days and three nights before she risks her life to seek clemency for the Jewish people from Achashverosh.

*Esther* 4:16

Go and gather all the Jews who are found in Shushan, and fast for me, and do not eat and do not drink for three days, night and day; also I and my maidens will fast thus, and thus I will come to the king not in accordance with the law, and if I perish, I perish.

Though the original fast actually took place in the month of Nissan, Rambam records a custom to fast in commemoration on 13 Adar:

Rambam Laws of Fasts 5:5

In this time all of Israel has the custom to fast on the 13th of Adar, to commemorate the fast that they fasted in the days of Haman, as it says (*Esther* 9:31) “The matters of the fasts and their crying out.”

# Why Fast

Each of these five fast days commemorates a tragedy, much as festival days commemorate joyous events. The Talmud states that, by participating in mourning, we merit to see redemption:

*Ta’anit* 30b

“Be glad with Jerusalem and exult with her all who love her; rejoice with her in joy all who mourn for her” (*Yishayahu* 66:10). From here they said: Everyone who mourns for Jerusalem will merit to see her happiness.

In times of trouble, fasting is not just an act of mourning, but also a mode of asking God for deliverance. We see this with the fast of Esther at the time of Haman’s decree, and with the fast of the people of Nineveh (*Yona* 3:6-10), and with fasts that are observed during severe drought (Mishna *Ta’anit*, chapters 1-3).

How does this work? The prophets, followed by our sages, teach us that a fast is chiefly a means to repentance. Yishayahu explains that this is why the fasts in his time did not lead to deliverance:

*Yeshayahu* 58:3, 5-7, 9

Why is it we fast and You do not see? We afflict ourselves and You do not know? Because on the day of your fasts you do business and oppress those indebted to you… Is this the fast I choose? A day for a person to afflict his body, bow his head like a bulrush, and lie in sackcloth and ashes?! Is this what you call a fast and a day that is favorable to the Lord?! Rather this is the fast I desire: open the fetters of evil and unbind the cords of the yoke to set free the oppressed and break every yoke. Rather share your bread with the hungry and take the downtrodden poor into your home; when you see nakedness cover it, and do not ignore your flesh… Then you will call out and God will answer and save you, and say “Here I am!” if you remove the yoke [of oppression] from your midst, [and cease] to lay a finger or speak evil.

When the people ask why their fasts are unanswered, God explains that they only afflicted their bodies but continued to act wickedly toward their fellows. Rambam makes a similar point in his introduction to the laws of the four fasts:

Rambam Laws of Fasts 5:1

There are days that all of Israel fasts because of the tragedies that happened on them, to awaken the hearts and open the paths of repentance, and it should be a remembrance of our evil deeds and the deeds of our forefathers that were like our deeds now, which caused these tragedies to befall them and us. And upon remembering these things we will return to do good as it says, “They will confess their sins and the sins of their fathers.” (*Vayikra* 26:40)

Rambam’s words suggest that the religious history of the Jewish people, our spiritual successes and failures, reverberate through time. Rav Soloveitchik calls this a “unitive time consciousness:” [[6]](#footnote-6)

Rabbi Joseph B. Soloveitchik, “Avelut Yeshanah and Avelut Chadashah: Historical and Individual Mourning,”

Judaism developed a very peculiar philosophy of memory… one does not simply recollect the past or just remember bygones, but reexperiences that which has been… and it actually merges past with present - or shifts the past into the present. Judaism has recommended what I would call a "unitive time consciousness" - unitive in the sense that there is a tightening of bonds of companionship, of present and past.

The past is never past. Just as we reenact, reexperience, and celebrate salvation year after year on our holidays, so too, on fast days, we relive our mistakes and their consequences. Eileen Watts expands on this theme:[[7]](#footnote-7)

Eileen Watts, Bernard Malamud’s “The German Refugee”: A Parable for Tishah Be-Av

[B]y compressing defining tragedies spanning millennia of Jewish history into one yahrzeit – Av 9 – the day reminds us of our relationship to time and to the past. Each horrific event (temple destructions, expulsions) engendered dislocations: of place, prayer, ritual, culture, community, language, and life. Mourning these events on Tishah Be-Av telescopes the centuries, collapsing each event into one day of our lives, fusing past with present, permitting us to feel a ripple of that original dislocation when the Israelites refused to enter the Promised Land because they had lost faith in God.

We still suffer the effects of the tragedies of the past because, as a people, we continue to make the same mistakes as our ancestors. The fasts are meant to set us on a path to introspection and *teshuva* and inspire us to seek justice and righteousness. Each step we take in this direction brings us closer to the redemption described in *Zecharya*: a world of truth, justice, and peace.

If the purpose is repentance, why is fasting necessary at all? Can’t teshuva alone suffice?

Halacha often forges connections between mind, body, and soul. The connection between the physical act of fasting and spiritual act of repentance can be understood in two complementary ways.

I. Soul to Body

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Fasting can be a physical manifestation of an emotional and spiritual response to trauma. We see this in Megillat Esther, when the Jewish people hear of Achashverosh’s decree:

*Esther* 4:1-3

And Mordechai knew all that had been done, and Mordechai rent his garments and donned sackcloth and ash and went out into the city and cried a great and bitter cry. And he came up to the gate of the king, for one may not come to the king’s gate wearing sackcloth. And in each and every province where the king’s word and decree arrived, there was great mourning for the Jews, fasting and crying and wailing, sackcloth and ash were laid out for the masses.

Fasting here is described as a visceral reaction to an existential threat. Subsequently, Esther tells Mordechai to instruct the Jews of Shushan to fast in order to help her intercede with Achashverosh on their behalf:

*Esther* 5:15-16

And Esther said to respond to Mordechai: Go and gather all the Jews who are found in Shushan, and fast for me, and do not eat and do not drink for three days, night and day; also I and my maidens will fast thus, and thus I will come to the king not in accordance with the law, and if I perish, I perish.

While the fasting at first emanated naturally from a sense of despair, Esther leads the people to harness their emotions in a more formal and unified religious act, to turn to God together to express spiritual anguish through fasting, prayer and repentance in the hopes of awakening Divine mercy and overturning the evil decree. A cry of the soul finds intentional physical expression.

II. Body to Soul

The physical fast also has a spiritual effect. Sefer Ha-chinuch explains that sacrifices such as the sin-offering were integral to the repentance process because physical action has the power to sway our hearts:

*Sefer Ha-chinuch* Mitzva 95

The plain meaning of sacrifices… for we have established that the essential [feelings of] our hearts follow our actions. Therefore when a person sins, his heart cannot be properly purified by speech alone, by turning to the wall and saying “I have sinned and I will not continue to do so,” but he must do a great action [to overcome] the matter of his sin, to take goats from his pens and trouble himself to bring them to the established Temple to the *kohen* and do all the actions that are written concerning sin-offerings. Through this great undertaking, the evil of sin will be ingrained in his heart and he will avoid it the next time.

Words are not enough to convey the enormity of sin or move us to repentance; we need to take significant action such as sacrifice. Rav Sheshet would recite a prayer on fast days linking the physical act of fasting with the Temple sacrifices:

*Berachot* 17a

Rav Sheshet, when he would sit in fast, after he prayed would say thus: Master of worlds, it is revealed before you, that at the time when the Temple was standing a person would sin and bring a sacrifice, and all that would be offered [on the altar] is its fat and blood and the person would be atoned for; and now, I sit fasting, and my fat and blood are lessened. May it be Your will that my fat and blood that has been lessened will be as if I had offered it before You upon the altar, and that I will find favor before You.

By fasting, we effectively sacrifice part of our own flesh and blood to God. The action of fasting can help lead us to a mindset of repentance, which can bring about atonement in the same way that the sacrifices were meant to.

# Levels of Obligation

We know from Zecharya that the Jewish people established four fasts to commemorate the events surrounding the destruction of the First Temple. It is unclear from the text whether the people continued to fast during the Second Temple period, though we find a clue in the Mishna. A mishna lists the months in which the *Beit Din* would send messengers to Jewish communities to inform them of Rosh Chodesh because of a festival or fast over the course of the month. The gemara then asks why Av is included, but not Tevet or Tammuz, as they, too, have fast days:

*Rosh Ha-shana* 18a-b

**Mishna**: The messengers go out for six months: For Nissan because of Pesach, for Av because of the fast, for Elul because of Rosh Ha-shana, for Tishrei because of establishing the festivals, for Kislev because of Chanuka, and for Adar because of Purim, and when the Temple was standing, they would also go out for Iyar because of *Pesach Katan*. **Gemara**: They should also go out for Tammuz and Tevet, as Rav Chana bar Bizna said in the name of Rav Shimon Chasida: that which is written, “So says the Lord of Hosts: the fast of the fourth and the fast of the fifth and the fast of the seventh and the fast of the tenth [months] will be for the house of Yehuda rejoicing and happiness.” They are called a fast, and they are called rejoicing and happiness – at a time when there is peace, they will be for rejoicing and happiness, when there is no peace – a fast. Rav Papa said: It was said thus: At a time when there is peace, they will be for rejoicing and happiness; when there is persecution [a textual variant: decrees] – a fast; neither persecution nor peace, if they want, they fast; if they want, they do not fast. If so, Tisha Be-av as well! Rav Papa said: Tisha Be-Av is different, since troubles were multiplied on it. As the master said: On Tisha Be-Av the First and Second Temples were destroyed, and Beitar was captured, and the city [of Jerusalem] was ploughed over.

In times of peace the fasts become celebrations, and fasting is prohibited. In times when Jews are subject to harsh decrees or religious persecution, the fasts are obligatory. Rav Papa adds a third, more neutral state, the absence of both peace and persecution. In this case, the fasts are voluntary so it is unnecessary to send out messengers.

The Talmud concludes that the three minor fasts mentioned in Zecharya do not appear in the mishna because it discusses a neutral time period when the fasts of Tammuz, Tishrei, and Tevet were not obligatory.

**Tisha Be-Av** is the exception. Because of the severity of the multiple tragedies that occurred on that date, specifically the destruction of both Temples, the prophetic decree to fast on Tisha Be-Av remains in force even in “neutral” times. According to Tur, this gives Tisha Be-Av the status of *divrei kabbala*, an obligation received from the prophets, sometimes treated like a Torah-level obligation:

Tur OC 554

The prohibition of eating and drinking on it is like the manner of the prohibition on Yom Kippur, except that this [Yom Kippur] is punished by spiritual excision and this [Tisha Be-Av] is from *divrei kabbala* and one receives lashes for rebelliousness.

Bach disagrees and rules that the prophetic status of all four fasts, including Tisha Be-Av, only applies in times of persecution. In neutral times such as our era, Tisha Be-Av has the status of a rabbinic decree:

Bach OC 554

Tisha Be-Av in our times, when there is neither persecution nor peace, is also a rabbinic decree and is not from *divrei kabbala*, which are similar to *divrei Torah*, as it says in the first chapter of *Rosh Ha-shana*, “If they want, they fast.”

**Ta’anit Esther** falls into a slightly different category, because it has never been compulsory. Rema writes that for this reason we can treat it more leniently than the other minor fasts.

*Shulchan Aruch* OC 686:2

We fast on 13 Adar. Rema: And this fast is not obligatory, therefore, one can be lenient when necessary…

If they want, they fast

Current halachic consensus views these as neutral times, in which fasting on 10 Tevet, 17 Tammuz, and 3 Tishrei depends on the will of the people. According to Rabbeinu Asher, a communal decision to fast on a given year is binding on everyone, but the decision is subject to reevaluation from year to year:

*Chiddushei Ha-Rosh* Rosh Ha-shana, 1:6

The explanation of “they do not want” – the community, but an individual cannot separate from the community as long as there is no communal consensus not to fast.

The designation of a time period as peace, persecution, or neutral takes into account the status of all Jews worldwide. Ba’al Ha-turim explains that the majority of all the Jewish people likewise determine whether to fast during neutral times.

Tur OC 550

There is no persecution in a known location in Israel – If most of Israel want, and they agree not to fast, they don’t fast, and if most of the community want, they fast. Nowadays, they want, and the custom is to fast, therefore, it is forbidden to breach boundaries…

Shulchan Aruch teaches that even in neutral times the minor fasts have become obligatory:

*Shulchan Aruch* OC 549:1

We are obligated to fast on Tisha Be-Av and 17 Tammuz and 3 Tishrei and 10 Tevet because of the bad things that took place on them.

Women's Obligation

When these fasts are obligatory, Shulchan Aruch states that everyone is obligated:

*Shulchan Aruch* OC 550:1

All are obligated to fast these four fasts, and one may not deviate from this established tradition.

Women are included in this ruling, much as women are included in the obligation to fast on Yom Kippur. In our next installment, we will see that there are exceptions based on health considerations that can apply to women.

Nature of the Obligation

How did the minor fasts become obligatory even in neutral times? Tosafot explain that previous generations accepted these fasts upon themselves. When a community accepts a practice upon itself, it can become a binding obligation for generations. (Learn more about binding custom here: <https://deracheha.org/voluntary-mitzva-performance> )

Tosafot *Megilla* 5b s.v. *Ve-rachatz be-karona shel Tzippori*

“Neither persecution nor peace, if they want, they fast; if they want, they do not fast” – one can say that since our forefathers already accepted it upon themselves, presumably they [the generation of Rabbi Yehuda Ha-nasi] also accepted it.

This comment does not explain, however, why it is that the minor fast days remain minor. They apply only during the daytime and do not entail any prohibitions other than eating and drinking. Once we treat them as obligatory, why do the minor fast days not entail the same strictures as Tish'a Be-Av?

The relative leniency of the minor fast days may reflect the stage in history in which they were voluntary. In Halacha, a voluntary fast is known as a *ta’anit yachid* (literally, individual fast, though it could be called voluntarily by a community or by individuals) as opposed to an obligatory fast, *ta’anit tzibbur* (literally, communal fast, because it would be fully obligatory on the entire Jewish community).

The Tosefta lists some of the differences between a *ta’anit yachid* and a *ta’anit tzibbur*:

Tosefta *Ta’anit* 2:4

What is the difference between a *ta’anit tzibbur* and a *ta’anit yachid*? On a *ta’anit tzibbur* we eat and drink while it is still daytime [on the previous day, and begin fasting the evening], which is not so for a *ta’anit yachid* [which only begins in the daytime]. On a *ta’anit tzibur* labor, washing, anointing, wearing shoes, and cohabitation are prohibited, which is not so for a *ta’anit yachid* [when only eating and drinking are prohibited]. On a *ta’anit tzibbur*, we gather in synagogues, which is not so for a *ta’anit yachid*…

In other words, the laws of the minor fasts resemble those of a *ta’anit yachid*. Indeed, Ramban writes that the minor fast days originally were *ta’aniyot tzibbur*, but are not currently observed fully as such because the times became "neutral."

*Torat Ha-adam, Sha’ar Ha-evel* – *Inyan Avelut Yeshana*

It stands to reason that each of the four fasts is a *ta’anit tzibbur*, and the prophets decreed upon them all the stringencies of a fast, we stop eating while it is still day [i.e., the fast begins at sunset], and washing, anointing, wearing shoes, and cohabitation are prohibited, like Tisha Be-Av… But nowadays, since in a time without persecution they are nullified, they wanted and adopted the practice to fast on them, but they did not want to practice these stringencies on them. But according to the original enactment, they were certainly prohibited in all these, for the decree of the prophets is no worse than the decree of *beit din* for the middle and last fasts [in a year of drought], and whatever the prophets enacted, they enacted on the model of Torah laws, Tisha Be-Av and the four fasts are like Yom Kippur for affliction, and similarly regarding the fast of the *Megilla* … halachically, washing is prohibited as I explained, but nevertheless nowadays, go out and see what the nation does.

This explains why only Tisha Be-Av clearly conforms fully to the archetype of a *ta’anit tzibbur*, though they are all observed by the community as a whole.[[8]](#footnote-8) When we observe them, we have the opportunity and the challenge of making the fast about more than "not eating" the food, to look inward.[[9]](#footnote-9)

Temimah Zucker, Fasting is Not the Same as Not Eating, Times of Israel

When we fast, as adults, we remove ourselves from the material world in the efforts of reminding ourselves of our place in it and of our mortality. While at times fast days become “about the food” the intention is...that even though we know we will survive the day, we are reminded of our fragile, human existence... In that framework, we are guided to connect to the message of the day itself rather [than] focusing solely on the practice from which we are abstaining.

Have we reached a time of peace?

Early halachic authorities debate the practical obligation to fast in different eras.

Many define peace as a time when Beit Ha-mikdash stands, which clearly does not apply to our day.

Rabbeinu Chananel *Rosh Ha-shana* 18b

At a time when there is peace, i.e., any time when the Temple is standing, [the fast will] be for rejoicing and happiness

Others suggest that peace can mean Jewish settlement in the Land of Israel, Jewish autonomy, or a combination of the two. Rashba maintains that peace means that the Jewish people live in peace in the Land of Israel, which may arguably apply now:

*Chiddushei Ha-Rashba*, *Rosh Ha-shana* 18b

At a time when there is peace, they will be for rejoicing and happiness. The meaning of “at a time when there is peace” – when Israel are dwelling on their land.

Rashi writes that it refers to Jewish autonomy, which applies now in Israel:

Rashi *Rosh Ha-shana* 18b s.v. *she-yesh shalom*

When there is peace – when the hand of the non-Jews does not control Israel

Nevertheless, modern authorities agree that the current state of the Jewish people still does not fulfill the conditions to change these fasts to celebrations.

In 1920 the British appointed Herbert Samuel, a British Jew, as High Commissioner of Palestine. It was the first time in 2,000 years that a Jew governed the Land of Israel. In this atmosphere, Rav Kook was asked by Rav Yehuda Tzvi Zisselman, a Jew who had been displaced by World War I and was now delighted to return to his home in Yaffo, if the status of the fasts had changed. While much has changed for the Jewish people in the intervening hundred years, Rav Kooks response still resonates today:

**מועדי הראי”ה, עמ’ תקמד**

… במה שנוגע לסגולת הצומות, חושב אני כי עד אשר יכונן ה’ את בית מקדשנו החרב לעינינו, בהר מרום הרים, לתפארת לעיני כל העמים, אי אפשר לנו לבטל אותם. … וכאשר יאיר ה’ לנו באור ישועתו הכוללת, יהפכו הצומות כולם לששון ולשמחה ולמועדים טובים, ואור הישועה הגמורה ופאר משיח צדקנו ובנין בית מקדשנו יבאו לנו, ע”י [=על ידי] מה שלא נשכח את בית אלוקינו ואת אחינו כולם, כל עם ה’ הנתון במיצר, ונשתתף בצערם ויגונם על ידי צומי תעניותנו כמאז…

*Mo’adei Ha-Re’iyah*, p. 544

…Regarding the quality of the fasts, I think that until God establishes our destroyed Temple before our eyes, on the mount of mountainous heights, glorious in the eyes of all the nations, it is not possible for us to nullify them…. And when God illuminates for us with the light of His full salvation, all the fasts will be transformed to rejoicing and happiness and good appointed times, and the light of complete salvation, and the splendor of our righteous Mashiach and the building of our holy Temple come about for us, through our not forgetting the House of our God and all our brethren, all the nation of God who are given to difficulty, and we join in their pain and sorrow through our fast days as in the past…

Although the Jewish People have made great strides, peace is still not universal and won’t be until the ultimate redemption when Beit Ha-mikdash is built.

Centuries earlier, Maharsha made a more ahistorical argument. As long as intra-Jewish conflict persists, the fast will remain in place. Only true repentance, justice, and peace among us can lead us to the ultimate peace of redemption.

*Maharsha Chiddushei Aggadot* *Rosh Ha-shana* 18b

Meaning, they will not be “for rejoicing and happiness” until “truth and peace you shall love” – but when you do not have truth and peace, you will return to fasting, as during the Second Temple at the time of the destruction, as is written in the first chapter of *Yoma*, during the second Temple when there were Torah and acts of kindness, why was it destroyed? Because there was baseless hatred. And this is what is written at the end of the verse, at a time when there is peace among you, they will be for rejoicing and happiness; when there is no peace, as with the destruction of the Second Temple when there was baseless hatred, you will return to fasting.

1. See *Vayikra* 16:29-31, *Bemidbar* 29:1-11 [↑](#footnote-ref-1)
2. Yoma 73b

   Less than a shi'ur, Rabbi Yochanan said: It is prohibited from the Torah

   Mishneh Torah, Shevitat Asor 2:3

   But if he eats or drinks less than the shi'ur, he is not punishable with karet even though it is prohibited from the Torah…

   Shulchan Aruch OC 612:5

   That we require a shi'ur is for liability for karet or a sin offering, but there is a prohibition with any amount.

   Magen Avraham 612:5

   But there is a prohibition—from the Torah [↑](#footnote-ref-2)
3. Mishna *Yoma* 8:2

   One who eats the volume of a large date including its pit, and one who drinks a cheek’s full, is liable. All foods combine towards the volume of a date, and all liquids combine towards a cheek’s full. Food and drink do not combine [with each other]. [↑](#footnote-ref-3)
4. Sefer Kolbo 63

   In Tevet, the Torah was written in Greek in the days of King Ptolemy and darkness came upon the world for three days, on the 9th our ancestors did not write what it was about, and the secret was found that on that day Ezra the Kohen and Nechemya ben Chachlya died, on the 10th the king of Bavel laid siege to Yerushalayim to destroy it. [↑](#footnote-ref-4)
5. Available here: <https://blogs.timesofisrael.com/the-days-after-tisha-bav/> [↑](#footnote-ref-5)
6. Available here: <https://www.etzion.org.il/en/avelut-yeshanah-and-avelut-chadashah>  [↑](#footnote-ref-6)
7. Available here: <https://thelehrhaus.com/timely-thoughts/bernard-malamuds-the-german-refugee-a-parable-for-tishah-be-av/> [↑](#footnote-ref-7)
8. Ramban writes that the minor fast days originally were *ta’aniyot tzibbur*, but are not currently observed fully as such because the times became "neutral."

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   It stands to reason that each of the four fasts is a *ta’anit tzibbur*, and the prophets decreed upon them all the stringencies of a fast, we stop eating while it is still day [i.e., the fast begins at sunset], and washing, anointing, wearing shoes, and cohabitation are prohibited, like Tisha Be-Av… But nowadays, since in a time without persecution they are nullified, they wanted and adopted the practice to fast on them, but they did not want to practice these stringencies on them. But according to the original enactment, they were certainly prohibited in all these, for the decree of the prophets is no worse than the decree of *beit din* for the middle and last fasts [in a year of drought], and whatever the prophets enacted, they enacted on the model of Torah laws, Tisha Be-Av and the four fasts are like Yom Kippur for affliction, and similarly regarding the fast of the *Megilla* … halachically, washing is prohibited as I explained, but nevertheless nowadays, go out and see what the nation does. [↑](#footnote-ref-8)
9. Available here: <https://blogs.timesofisrael.com/fasting-is-not-the-same-as-not-eating/> [↑](#footnote-ref-9)