

Fasting on Tisha B'Av

When One is Ill

Rabbi Joshua Flug

Director of Torah Research, Yeshiva University's Center for the Jewish Future

Introduction¹

There are six fast days which are considered public fast days. Yom Kippur is the only fast day recorded in the Torah (Vayikra 16:31). Shiva Asar B'Tammuz, Tisha B'Av, Tzom Gedalia and Asarah B'Tevet are recorded in Zecharia (8:19). Ta'anit Esther is based on the fast that Esther fasted (Esther 4:16) and is recorded in *Masechet Soferim* 21:1.

The fast of Tisha B'Av is the climax of the three week period of mourning. As such, it is more comparable to Yom Kippur than to the other four rabbinically enacted fast-days. This is reflected in its full 24 hour length, and its observance of all five *inuyim* (methods of infliction). With regards to someone who is ill, there is a popular notion that one may be more lenient regarding the “minor” fasts. What is the basis for this notion and is it applicable to Tisha B'Av which is also rabbinically ordained? Should one assume that Tisha B'Av should be compared to Yom Kippur, where one who is in a situation where fasting may pose a life threatening danger is permitted and required to eat, but one whose illness poses no threat to one's life may not eat? This article will discuss some of the issues that arise for one who is ill on Tisha B'Av and the relevant laws for one who is permitted/obligated to eat on Tisha B'Av.

The Basis for Leniency on the Minor Fast Days

The Gemara states:

R. Chanah b. Biznah said in the name of R. Shimon Chasida, "What is meant by the verse, 'Thus 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 verse calls it a fast and calls it [days of] joy and gladness! [Rather,] when there is peace they will be [days of] joy and gladness and when there is no peace, [they are days of] fast. R. Papa said, this is what it means: when there is peace, they will be

אמר 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

¹ This article is adapted from two articles written for the *B'Mesillat HaHalacha* series available on yutorah.org, “Public Fast Days” (www.yutorah.org/lectures/lecture.cfm/715481/) and “One who is Too Ill to Fast on Tisha B'Av” (www.yutorah.org/lectures/lecture.cfm/711707/).

[days of] joy and gladness and when there is persecution, [days of] fast. If there is no persecution but no peace, if they want, they can fast if they want, they don't have to fast. If so, Tisha B'Av too [fasting should be optional]? R. Papa said: Tisha B'Av is different because there were multiple tragedies.

Rosh HaShanah 18b

שלום יהיו לששון ולשמחה יש
שמד צום אין שמד ואין שלום רצו
מתענין רצו אין מתענין אי הכי
תשעה באב נמי אמר רב פפא שאני
תשעה באב הואיל והוכפלו בו
צרות.

ראש השנה ית:

Tisha B'Av is more stringent than the other three fasts mentioned by Zechariah because on Tisha B'Av there were multiple (and repetitive) tragedies. For this reason, the Gemara states that the fast of Tisha B'Av is obligatory and the other fasts are optional (when there is no national crisis).

Ramban (1194-1270), *Torat Ha'Adam* (Chavel edition, pg. 244), notes that fundamentally, all public fasts commence at sundown and last a full day. Furthermore, all of the activities that are prohibited on Tisha B'Av (washing, anointing, wearing leather shoes and marital relations) are prohibited on the other public fasts. Ramban explains that the reason why these stringencies are not practiced on the minor fasts days is that the other days are, in principle, optional fast days. While fasting on these days has become widespread practice, (and Ramban in fact maintains that it is prohibited to eat on these days now that it has become widespread), nevertheless, the widespread acceptance of these fasts was on condition that it does not entail all of the stringencies of Tisha B'Av.

Rambam (1138-1204), *Hilchot Ta'aniot* 5:5 and 5:10, implies that in principle Tisha B'Av is more stringent than the other fast days. The other fast days do not start until the morning and the only prohibition that applies on these days is eating (and drinking).

R. Yisrael M. Kagan (1838-1933), *Mishna Berurah*, *Be'ur Halacha* 550:1, discusses whether someone who has extreme difficulty fasting must fast on the minor fast days. This issue may be contingent on the dispute between Rambam and Ramban. According to Ramban, the reason why minor fast days are less stringent is because the fast days are, in principle, optional. When they were accepted as widespread practice, their acceptance was in accordance with the needs of the people. As such, it is possible that this widespread acceptance to fast did not include those who have extreme difficulty fasting. However, according to Rambam, the leniencies of the minor fasts are built into the original institution of the fast days. These minor fast days are not more lenient by nature and therefore, there is no reason to apply additional leniencies that are clearly not apparent on Tisha B'Av. *Mishna Berurah* concludes that a *posek* should deal with this issue on a case-by-case basis.

The same logic should apply to the discussion of pregnant and nursing women. The Gemara, *Pesachim* 54b, states that pregnant and nursing women are required to fast on Yom Kippur and Tisha B'Av. The implication is that they are not required to fast on the other fast days. *Hagahot Maimoniot*, *Hilchot Ta'aniot* 5:1, explains that the leniency of the minor fasts is based on the optional nature of these fasts. However, this explanation is insufficient according to Rambam who does not attribute the leniencies of the minor fasts to the optional nature of these fasts.

Rambam himself implies (see *Hilchot Ta'aniot* 3:5 and 5:10) that pregnant and nursing women are exempt from fasting on the minor fast days.

Nevertheless, one can explain that the reason why pregnant and nursing women are exempt from fasting on the minor fasts is because the nature of a woman's obligation to fast is different from that of a man's. R. Yosef Rosen (1858-1936), *Teshuvot Tzafnat Panei'ach* (Dvinsk 1:13), suggests that a woman's obligation to fast on the minor fast days is similar to a private fast. He claims that Rambam's leniency for pregnant and nursing women is based on this idea. One can then explain that regarding women, Rambam will agree with Ramban that the nature of the fast is patterned according to the way it was accepted as obligation. When women accepted upon themselves to fast on the minor fast days, they did not include pregnant and nursing women.

While there is a basis for the notion that there is more room for leniency on the minor fasts for someone experiencing a minor illness or ailment, this notion is based on the assumption that the minor fasts do not have the same status as Tisha B'Av. As such, it would seem that Tisha B'Av is more comparable to Yom Kippur in this regard. Nevertheless, R. Yosef Karo (1488-1575) rules with regards to Tisha B'Av:

If a woman who gave birth in the last thirty days or an ill patient needs to eat, we don't require consultation with an expert, rather we give them food immediately because the rabbis didn't institute [a requirement to fast] in cases of illnesses.

Shulchan Aruch, Orach Chaim 554:6

חיה כל שלשים יום וכן חולה שהוא צריך לאכול אין צריך אומד אלא מאכילין אותו מיד דבמקום חולי לא גזרו רבנן.
שלחן ערוך, אורח חיים תקנד:ו

The implication of *Shulchan Aruch's* ruling is that one may be lenient, even if the situation is not life-threatening. However, Rama (1520-1572) *ad loc.*, rules that in the absence of any threat to life, even if there is great distress, one should attempt to fast. Nevertheless, *Mishna Berurah* 554:16, rules that if an ill person has the status of a *choleh* (a bed-bound illness), one may be lenient, even if it is not a life-threatening situation.

Limiting Factors

Are there any limitations for one who was given the directive to eat on Tisha B'Av? *Shulchan Aruch, Orach Chaim* 618:7, (based on a *Beraita* quoted in the Gemara, *Yoma* 83a) writes that one who must eat on Yom Kippur should eat in small increments if it will not pose any danger. The purpose of eating in small increments is to minimize the severity of the prohibition. Maharam Schick (1807-1879), in his *Teshuvot, Orach Chaim* no. 289, assumes that the same procedure applies to Tisha B'Av, and one should eat in increments if possible. However, R. Shlomo Z. Auerbach (1910-1995) cited in *Nishmat Avraham* IV, 554:1, and R. Shmuel Vosner (b. 1913), *Shevet HaLevi* 4:46, rule that if one is already ill, one is not required to eat in increments. If one is healthy but must eat out of concern that he will become ill, he should eat in increments. R. Eliezer Waldenberg (1915-2006), *Tzitz Eliezer* 10:25:16, implies that one is never required to eat in increments.

Even if one assumes that an ill person is not required to eat in increments, there is another limiting factor. *Hagahot Maimoniot, Hilchot Ta'aniot* 1:8 (Kushta edition), writes that one who is

permitted to eat on Tisha B'Av should not indulge in delicacies. He should only eat what is necessary for sustenance. This opinion is codified by *Shulchan Aruch, Orach Chaim* 554:5.

Special Observances for One Who is not Fasting

Maharil (c. 1365-1427), *Hilchot Shiva Asar B'Tammuz V'Tisha B'Av*, no. 11, writes that an ill person who eats bread on Tisha B'Av should recite *Nachem* in the Birkat HaMazon. [*Nachem* is the prayer that is added to the *Amidah* of Mincha.] R. Tzikiyah HaRofei (13th century), *Shibolei HaLeket*, no. 267, disagrees and maintains that one does not recite the *Nachem* prayer in Birkat HaMazon. Rama, *Orach Chaim* 557:1, rules in accordance with the opinion of Maharil that one does recite *Nachem*. *Mishna Berurah* 557:5 quotes both opinions and does not rule conclusively on the matter.

When Tisha B'Av occurs on Sunday, Havdalah is postponed until after Tisha B'Av. R. Chaim Y.D. Azulai (1724-1806), *Birkei Yosef, Orach Chaim* 556:2, writes that one who is ill and is not fasting should recite Havdalah immediately after Shabbat. R. Yehoshua Y. Neuwirth, *Shemirat Shabbat Kehilchata* 62:45, writes that *Birkei Yosef's* ruling only applies to adults who are too ill to fast. A child who is not fasting should not recite Havdalah himself on Motza'ei Shabbat, but rather wait until the conclusion of Tisha B'Av to fulfill the mitzvah of Havdalah.

May One Who is Not Fasting Receive an *Aliyah*?

On Tisha B'Av of 1811, R. Moshe Sofer (known as the Chatam Sofer, 1762-1839) was too ill to fast. He wondered whether he would be able to receive an *aliyah* for the afternoon Torah reading. A similar issue was already addressed by Maharik (c. 1420-1480) in his *Teshuvot* no. 9. Maharik notes that in many communities, when the Torah is read for the fast of *Bahab* (a series of private fasts observed by certain individuals following Pesach and Sukkot), the kohanim are asked to exit the room (if they themselves are not fasting) in order that the first *aliyah* be given to one of the individuals who are fasting. R. Yosef Karo, *Beit Yosef, Orach Chaim* 566, infers from this practice that on a fast day, only one who is fasting may be called to the Torah. This inference is codified in *Shulchan Aruch, Orach Chaim* 566:6.

R. Sofer, *Teshuvot Chatam Sofer, Orach Chaim* no. 157, notes that based on the ruling of *Shulchan Aruch*, one who is too ill to fast on Tisha B'Av may not receive an *aliyah*. R. Sofer argues that there are three reasons to permit receiving an *aliyah* in such an instance. First, he disagrees fundamentally with the assumption that one who is not fasting may not receive an *aliyah*. The practice that the kohanim who are not fasting exit the room is not due to their inability to receive an *aliyah*. Rather, since they are not fasting, they do not deserve the honor normally afforded to kohanim of receiving the first *aliyah*. For this reason they are asked to exit the room in order to give the first *aliyah* to one who is fasting.

Second, the ruling of *Shulchan Aruch* that one who is not fasting may not receive an *aliyah* should only apply to a private fast such as *Bahab*. Regarding a private fast, the special Torah reading that is read in commemoration of the fast has no relevance to one who is not fasting. For this reason he may not receive an *aliyah*. However, the Torah reading of a public fast day has relevance to every member of the congregation whether he is fasting or not.

Third, even one who is too ill to fast must still observe Tisha B'Av to the extent that his illness allows. He should not eat more meals than necessary. He must still observe the other restrictions that relate to the fast. For this reason we should consider this person as one who is observing Tisha B'Av, although in a limited manner.

Despite R. Sofer's arguments to permit one who is not fasting to receive an *aliyah* on Tisha B'Av, *Mishna Berurah* 566:19, rules that one who is not fasting may not receive an *aliyah* on a fast day. The only case where he provides any grounds for leniency is regarding the Torah reading of Monday and Thursday morning. R. Avraham Gombiner (c. 1633-1683), *Magen Avraham* 566:8, rules that since the Torah is read on Monday and Thursday mornings regardless of the fast, one who is not fasting may receive an *aliyah*. Even in this instance, R. Mordechai Karmi (c. 1740-1825), *Ma'amar Mordechai* 566:5, disagrees and contends that although the Torah would have been read regardless of the fast, one who is not fasting may not receive an *aliyah* since the content of the Torah reading is for that of a fast day and not for the week's parsha. *Mishna Berurah* rules that one may be lenient if the person was already called to the Torah.

R. Moshe Shternbuch, *Teshuvot V'Hanhagot* 2:261, suggests that the Torah reading on the morning of Tisha B'Av is fundamentally different than the Torah reading of the morning of other fast days. This is implicit in the comments of Rambam who states:

On Tisha B'Av the morning Torah reading is Ki tolid banim (When you bear children, Devarim ch. 4) and the afternoon Torah reading is Vay'chal (And he pleaded, Shemot ch. 32) like all other fast days.

Rambam, Hilchot Tefillah 13:18

בתשעה באב קורין בשחרית כי תוליד בנים ... ובמנחה קורין ויחל משה כשאר ימי התעניות. רמב"ם, הל' תפילה יג:יח

R. Shternbuch notes the emphasis in Rambam's language "like all other fast days," and notes that while the afternoon Torah reading of Tisha B'Av is comparable to other fast days and is a function of the fast day aspect of Tisha B'Av, the morning Torah reading is a function of the *aveilut* (mourning) aspect of Tisha B'Av. Therefore, regardless of whether one is fasting or not, one may receive an *aliyah* at the morning Torah reading on Tisha B'Av.

R. Shternbuch does not make reference to *Mishna Berurah's* omission of the leniencies of R. Sofer. Although *Mishna Berurah* does not distinguish between Tisha B'Av and other fast days, he does not explicitly rule that one who is not fasting may not receive an *aliyah* on Tisha B'Av. Therefore, one can argue that R. Shternbuch's suggestion—that one who is not fasting on Tisha B'Av may receive an *aliyah* in the morning—does not explicitly oppose the opinion of *Mishna Berurah*.