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TISHA B'AV - A REFORM PERSPECTIVE

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Requirements for Ordination

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CHAPTER I: Laws and Customs.

In this first chapter, we will examine the various laws and customs pertaining to the 9th of Av. Not only will we wish to acquaint ourselves with these as they have developed through the ages, but to evaluate critically the very nature of that development as well. Drawing upon sources from the Mishna, Gemara, Tosefta, Otzar ha-Geonim, Halachot Gedolot, Sefer ha-Halachot, and Mishneh Torah, we will seek to ascertain which laws and customs in the formative stages of halachic development were retained, which were not, and which gained or lost authority as generations of scholars and pious Jews alike confronted their tradition.

In so doing, it will be our aim to shed light upon the regard in which Tisha B'Av has been held by these authorities. In other words, we will pursue the question of whether this fast day was treated with an overall sense of stringency by the Tannaim and in the subsequent application and sharpening of their dicta by the Amoraim, the Geonim, and the Rishonim; or whether by contrast the opposite was the case. Although we recognize that most modern-day traditional authorities treat Tisha B'Av with stringency, we will inquire as to precisely when such an approach was advocated. Was it an early or a late development? In order to discover this, we will explore these moderately early texts, ranging in scope from the Mishna to the Yad, and

if indeed no stringency is found, then we can deduce that this kind of approach is a relatively late development, the implications of which will be made clear later on.

The Mishna tells us that five things befell our ancestors on the 9th of Av - it was decreed that our people should not enter the land of Canaan, the First and Second Temples were destroyed, Bethar was captured, and Jerusalem was ploughed up.¹ For this reason then, our Sages declared the 9th of Av a day of mourning, as it is stated in Halachot Gedolot: "A bar-Israel is required to afflict his soul and to practice mourning on Tisha B'Av."² It is further mentioned, both here and by the RIF, that our Sages have said that everyone who mourns for Jerusalem will merit seeing its joy.³ No doubt based upon a baraita found in the Tosefta⁴, Maimonides wrote that scholars should not exchange greetings on Tisha B'Av, but should sit repining and sighing like mourners. And if one is greeted by an am ha-aretz, he should reply only with a soft voice and a grave demeanor.⁵ And so it was from the time of the Tannaim to this day, that Tisha B'Av has been regarded as a day of mourning among the people of Israel.

But as such, many fine points, over which our Sages toiled vigorously, bear discussing. For example, when does observance actually begin? The Mishna rules that as soon as the month of Av begins, gladness is diminished.⁶ Similarly, the Gemara advises refraining from prosecuting a lawsuit against a non-Jew during the month of Av, for one's luck is likely to be bad at this time.⁷ So in

general, the tannaitic and amoraic strata represent the entire month of Av as tainted with the remembrance of Jewish suffering and persecution. Yet in terms of halachic dicta, there is very little evidence to indicate that mourning takes place throughout the entire month.

The Gemara itself engages in lengthy discussion as to when mourning begins.⁸ R. Meir is of the opinion that one mourns from the beginning of the month through the Fast, while Rabban Simeon b. Gamaliel maintains that one mourns only for the week in which the ninth occurs. The dispute is resolved in the baraita with the decision that the halacha is according to both opinions, insofar as each represents leniency. The halacha follows Rabban Simeon b. Gamaliel, in that mourning is observed only in the week of Tisha B'Av, and the halacha is according to R. Meir, in that within that week mourning is limited to the days before Tisha B'Av. This is the accepted halacha and the one which is recognized and implicitly understood in all of the halachic discussion to be presented shortly.

Nevertheless, it seems that there is a custom in some places of abstaining from the consumption of meat and wine from Rosh Hodesh thru the 9th of Av. This is mentioned in Otzar ha-Geonim, where we are also instructed that when in such places one should act in keeping with the local custom.⁹ In accordance with this precept we also find that ritual slaughter is prohibited in certain localities from Rosh Hodesh until the 9th (cf. Otzar ha-Geonim, Taanit 29b;

and Yad, Taaniot 5:6). But again, this is not halachically mandated and, as we shall see, much of Tisha B'Av observance is regulated by local custom rather than by halachic authority.

That which we have intimated above is made explicit by the Gemara, namely that "all of the commandments which one follows in mourning are also customary for Tisha B'Av."¹⁰ The inventory of prohibitions includes eating, drinking, anointing, wearing shoes, and marital intercourse. It is also forbidden to read from the Torah, Prophets, or Writings, or to study from the Mishna, Talmud, Midrash, halachot, or aggadot. It is the opinion of R. Meir that one may read or study unfamiliar parts of the Torah or Mishna as well as Lamentations, Job, and the sad parts of Jeremiah. However, R. Judah does not concur, rejecting the notion that one may even read or study unfamiliar parts of Scripture or Mishna. No resolution is offered.

We find the same formula repeated throughout the codes, but with some slight alterations. In Otzar ha-Geonim, it is stated that there are four prohibitions on Tisha B'Av as in mourning: washing, anointing, wearing shoes, and marital intercourse.¹¹ These same prohibitions are also listed in Halachot Gedolot, Sefer ha-Halachot, and the Yad.¹² These are of course different from those mentioned in the Gemara, in that the Gemara includes eating and drinking but not bathing, whereas the opposite is true of these later sources. Regarding the prohibitions pertaining to study, the differing opinions of R. Meir and R. Judah are presented

in Halachot Gedolot, Sefer ha-Halachot, and the Yad.¹³
In Halacot Gedolot, the argument stands unresolved as in the Gemara, but both the RIF and the RAMBAM deem the halacha to be in accordance with R. Judah, thereby advocating the more stringent view on study.

It seems that in this baraita there is some problem with corruption of the original text of the Gemara, for in the continuation of R. Meir's statement above, the comment that school children are idle from their work on Tisha B'Av has been rendered in both the affirmative and the negative in different editions; i.e., we also find the statement that school children are not idle. This has apparently caused some confusion in the codes, such as in Halachot Gedolot where we also discover different renderings appearing in various editions. However, in this baraita R. Judah teaches that school children are idle and, for the RIF and the RAMBAM, who are the first to resolve this debate, his opinion represents the halacha, in keeping with their more stringent view on study.

So, this material offers convincing evidence that Tisha B'Av is indeed treated as a day of mourning, that a consciousness of the day begins to develop on Rosh Hodesh, and certainly by the beginning of the week in which Tisha B'Av falls. Moreover, the customs which one follows during mourning are considered obligatory on the 9th of Av. But as we shall now see, our Rabbis did not simply stop here. Rather, a systematic discussion of the specific

laws and customs pertaining to Tisha B'Av is found in the Talmud and in all of the subsequent codes.

Mishna Taanit 4:7 proposes what turn out to be the central issues regarding Tisha B'Av observance, upon which most of the rabbinic discussions center. As usual, the open-ended character of the mishna provides much room for interpretation in the Gemara as well as the codes. Essentially, there are three significant statements: 1) in the week in which Tisha B'Av falls, it is forbidden to cut one's hair or to wash clothes, except on Thursday in honor of the Sabbath; 2) on the eve of the 9th, one may not eat two courses, nor eat meat, nor drink wine, while Rabban Simeon b. Gamaliel said that one only need make a difference in what he eats; 3) R. Judah said that one must turn over the couches, but the Sages did not agree with him.

Upon this last point the Gemara expands by attempting to identify the focus of the controversy.¹⁴ The baraita informs us that the Sages took exception to R. Judah's demand that it be obligatory to turn over the couches, since it would impose undue hardship in the case of pregnant or nursing women. However, R. Judah conceded that this should be practiced only where possible. Although Abbaye asserted that the difference between them was really in reference to the other couches in the house, Raba said that the halacha is in accordance with the tanna who wrote the mishna, meaning that the Sages did not accept the opinion of R. Judah and did not require the overturning of couches,

even where possible. This is the last we hear of this issue, that is, it is not followed up in any of the codes. Therefore, we must assume that Raba's lenient position was perceived as the correct one and, judging by its conspicuous absence in the codes, taken at face value there.

The other two statements made in the Mishna about cutting one's hair and washing clothes, and dietary restrictions, are covered in greater detail in the Gemara as well as in the codes. Let us consider these individually.

Concerning the cutting of hair and washing of clothes, the Gemara engages in lengthy discussion.¹⁵ Apparently, since it is primarily the latter problem which is discussed, we are to assume that the same rules which apply to laundering also apply to cutting hair. The Gemara begins its response to the Mishna with a statement of R. Nahman, that it is not permissible to wash for immediate wear, but it is permitted for storing. After some debate over such topics as whether or not cotton garments are included in the prohibition, or whether it is only forbidden to wear laundered garments, it is decided that cotton garments are not included in the prohibition against laundry work, but it is nevertheless forbidden to wear them and only forbidden to wash during the week of Tisha B'Av before the Fast, whereas after the Fast it is permitted. Furthermore, if Tisha B'Av falls on a Friday, then one may wash on Thursday in honor of the Sabbath and, if for some reason one did not wash on Thursday, then he may wash on Friday from mincha

onward. Samuel, who said that even after the 9th it is forbidden to wash, asserted that the Tannaim are divided on the matter, with R. Meir urging the prohibition from Rosh Hodesh thru the Fast; R. Judah extending the prohibition throughout the entire month of Av; and Rabban Simeon b. Gamaliel forbidding it only in that week in which Tisha B'Av falls. However, the matter is resolved by reference to another baraita involving the same rabbis who took essentially the same positions concerning the period of mourning for Tisha B'Av (note that we have seen this baraita already in another connection above). While the opinion of R. Judah is disregarded, it is concluded that both the opinion of R. Meir and the opinion of R. Simeon b. Gamaliel are needed and that both favor the lenient position. Thus, mourning is observed only in the week of Tisha B'Av in accordance with R. Simeon b. Gamaliel, and only through the Fast in accordance with R. Meir. By analogy, we are led to conclude that such is also the case with reference to laundering and cutting hair: i.e., they are forbidden in the week of Tisha B'Av through the Fast but permitted after the Fast.

The codes uphold the opinion of the Gemara unhesitatingly. In Halachot Gedolot, Halachot Rabbati, and the Yad it is taught that it is forbidden to wash and store garments for after the Fast.¹⁶ The prohibition against wearing finely laundered garments, including those of cotton, during the week of Tisha B'Av until after the Fast is found in Otzar ha-Geonim, Halachot Rabbati, and the Yad.¹⁷

Finally, Halachot Gedolot, Halachot Rabbati, and the Yad all specify that it is forbidden to cut one's hair or to wash one's clothes during the week of Tisha B'Av until after the Fast.¹⁸ Only in Halachot Gedolot is the opinion stated that one may wash on Thursday in honor of the Sabbath when Tisha B'Av falls on Erev Shabbat, and that if one did not wash on Thursday he is permitted to wash on Friday from mincha onward.¹⁹

The dietary restrictions mentioned in the Mishna are divided by the Gemara into two concerns - the timing of the final meal and that which may and may not be eaten therein. The Gemara explains that our mishna, which says that one may not eat two courses on the eve of the 9th, only applies to a meal which is eaten after midday. It further explains that it only applies to that meal which is intended as a concluding meal. It is indicated that both stipulations are needed and that both advocate the lenient position. Thus, this particular mishna applies only to a concluding meal which is eaten after midday. Accordingly, the Gemara teaches that there is another baraita that agrees with the second statement which says that if one who has a meal on the eve of the 9th intends to have another later, he may eat meat and drink wine, but if he does not intend to do so, he may not. Also, there is another baraita which agrees with the first statement, saying that one who eats a meal which is after midday may not have two courses, meat, or wine.²⁰

The Gemara further advances the view of Rabban Simeon b. Gamaliel, which is that this dictum should be modified to indicate only a restriction of eating habits. That is, if one is used to having two courses he should have only one, if he is used to dining in the company of ten people then he should dine in the company of five, and if he is used to drinking his wine from ten cups he should drink it from five. These restrictions apply only to a meal which is eaten after midday. Similarly, another baraita quotes the words of R. Meir ("On the eve of the 9th of Av one should not eat of two courses, nor eat meat or drink wine") and states that the Sages disagreed with him, saying that one should rather make a change in his eating habits and, in the case of meat and wine, reduce the quantity which he consumes. So if he was used to eating one pound of meat he should eat one-half pound, if he was used to drinking one log of wine he should drink one-half log, and if he was not used to consuming either meat or wine regularly then he should eat neither. Rabban Simeon b. Gamaliel added that it is permissible to conclude the meal with radishes and salted foods.²¹

Finally, it is important to note that the Gemara qualifies its position regarding the consumption of meat and wine on the final meal. In essence, it states that one may actually eat salted [pickled] meat and drink wine from the vat, i.e., unfermented wine.²²

Generally speaking, the codes are in agreement with

the statements made in the Gemara, with the exception of the opinion of Rabban Simeon b. Gamaliel (stating that one need only make a difference in what he eats) which is corroborated solely by the RIF.²³ The Tosefta tells us that in the final meal it is forbidden to eat meat, drink wine, or have two courses.²⁴ Otzar ha-Geonim specifies that the halacha is that which is stated in the Gemara, namely, that meat and wine are forbidden on the final meal which is after midday. However, regarding a meal or a final meal which is before midday, or a meal after midday which is not a final meal, it is one's prerogative to eat more. Nevertheless, it is added that Rav Sabira, who actually takes the lenient position, says that there are many who mahmirin al-atzman, not because they are obligated, but out of a sense of midah y'terah.²⁵ Halachot Gedolot, the RIF, and the RAMBAM all teach that it is forbidden to eat two courses, to consume meat or wine, but permitted to eat salted meat or drink wine from the vat on the final meal which is after midday.²⁶ Further, the RAMBAM states that if one eats before midday, even a final meal, he may eat what he wishes.²⁷

To underscore the solemn nature of the final meal on Erev Tisha B'Av, the Gemara cites the practice of R. Judah b. Il'ai, who would sit on the floor between the oven and the stove and eat only salted, dry bread which he washed down with a pitcher of water, just as if his deceased relative were lying spread out before him.²⁸ This aggadah is also

mentioned in Otzar ha-Geonim, Halachot Gedolot, Sefer ha-Halachot, and the Mishneh Torah.²⁹ Although there is some question as to the intent of the RIF, as according to Hidushay-Anshay-Shem a gloss interferes with the correct understanding of his comments, the RAMBAM encourages scholars to do something like the pious of old, referring to the practice of R. Judah. Otzar ha-Geonim also recognizes that this practice was widespread, as a consequence of which it is not customary to offer the hazmanah for Birkat-ha-Mazon on the final meal, since each person sits as if alone before his dead and blesses for himself.

Strongly connected with the strictures concerning eating are those concerning bathing. In Taanit 30a, it is taught in a baraita that in any meal intended as a concluding meal, it is forbidden to eat meat, drink wine, or bathe afterward, while in any meal not intended as such (i.e., on Erev Tisha B'Av or prior to another fast), it is permitted to eat meat and drink wine, but forbidden to bathe. However, R. Ishmael b. R. Jose said in his father's name that whenever it is permissible to eat meat, it is permissible to bathe. Similarly, the Tosefta states that in a final meal before the fast it is forbidden to eat meat, drink wine, eat two courses, to wash, or to anoint (note that this is mentioned in distinction to a meal which is connected with another kind of fast, in which case different rules are applicable).³⁰

It is in Pesachim 54b that we find the most definitive

statement about bathing. Here, according to Rashi and Rabbenu Hananel, a hekesh is drawn to indicate that the washing of hands, feet, and face is permitted on Tisha B'Av, contrary to the dictum of R. Eliezar which states, "a man is forbidden to dip his finger in water on the 9th of Av just as he is forbidden to dip his finger in water on Yom Kippur." For if a public fast (to which Tisha B'Av is compared in this baraita) is consistently more stringent than Tisha B'Av, and if on a public fast it is permitted to wash one's hands, feet, and face, then on Tisha B'Av it is also permitted.

Indeed, Otzar ha-Geonim upholds the dictum of R. Eliezar as the halacha.³¹ But it further states that this is what is practiced, except when one's hands are dirty with mud, excrement, or when one leaves the bathroom, in which case they may be washed. Also, if one is fastidious, or used to doing so all year, or cannot wake up fully until he wipes his face with water, then it is permitted. Additionally, commenting upon Taanit 30a, Otzar ha-Geonim upholds the opinion of R. Ishmael b. R. Jose, stating that after a meal or a final meal which is before midday, or a meal after midday which is not a final meal, it is one's prerogative to eat more, wash, anoint, etc., even on Yom Kippur.³² Along the same lines, Halachot Gedolot also takes a lenient position. While anointing is forbidden, Raba's view is cited, wherein it is forbidden to wash in hot water but not in cold. It is also deemed permissible to wash off

filth.³³ Nonetheless, both the RIF and the RAMBAM adopted more stringent positions, the RIF affirming the view of R. Eleazar, and the RAMBAM also stating that it is forbidden to bathe in hot or cold water, even to dip a finger in water, or to anoint.³⁴

To conclude all of this discussion evoked by Mishna Taanit 4:7, we might make reference to a number of admonitions cited by the Rabbis. In Taanit 30b, Rabban Simeon b. Gamaliel teaches that eating or drinking on Tisha B'Av is like eating or drinking on Yom Kippur. It is further stated in this same baraita that of anyone who eats meat or drinks wine on Tisha B'Av, scripture says, "Their iniquities are upon their bones." In Halachot Gedolot it is stressed that his sins encompass him who eats meat or drinks wine on Tisha B'Av, and the Sages are reported to have said that anyone who eats or drinks on Tisha B'Av will not merit to see the joy of Jerusalem.³⁵ The RIF also cites the admonition of Rabban Simeon b. Gamaliel, attributing it instead to R. Akiba, as well as affirming the various comments of the Sages just quoted here.³⁶

Another prohibition of great importance concerns the performance of work on Tisha B'Av. Mishna Pesachim 4:5 tells us that where it is the custom to do work on the 9th of Av one may do so, but where it is not the custom one must abstain. However, the disciples of the Sages cease from work everywhere and Rabban Simeon b. Gamaliel says that a person should always behave as a disciple of the Sages.

In Pesachim 54b, some Sages interpret the comment of R. Jochanan, that the 9th of Av is not like a public fast, to refer to the fact that while work is not permitted on a public fast, it is permitted on Tisha B'Av. But this is dismissed in favor of a literal adherence to the mishna, quoted directly in the body of the gemara, indicating that whether or not work is done on Tisha B'Av is dependent upon local custom. In Taanit 30b, we find the statement of R. Akiba, that anyone who works on Tisha B'Av will never see in his work any sign of blessing, as well as the admonition of the Sages, that anyone who works on Tisha B'Av and does not mourn for Jerusalem, will not share in her joy, while anyone who does, shall. There is no disagreement among the codes; in Halachot Gedolot, Sefer ha-Halachot, and the Yad, all of the above comments are echoed as the definitive halacha.³⁷

An area which seemed to be of concern to our Rabbis is the obligation of pregnant or nursing women regarding the fast. Since they were not required to complete the fast on certain fast days, the question was raised. However, for Tisha B'Av, there is absolutely no dissent on this issue; the Gemara, Tosefta, Halachot Gedolot, the RIF, and the RAMBAM all stipulate that on Tisha B'Av pregnant and nursing women must fast and complete the fast.³⁸

Another question, which stems from the principle, miqtzat ha-yom k'kulo, is raised in connection with Tisha B'Av - if one performs the various mitzvot which are enjoined

upon him for part or most of the day, has he indeed satisfied his obligation? Once again, our sources are unanimous, urging that one must fulfill his obligations for the entire day, beginning at sundown and concluding after the evening service. Otzar ha-Geonim teaches that the four things which are prohibited on Tisha B'Av besides eating (i.e., washing, anointing wearing shoes, and marital intercourse) are as important as the fast itself and must be avoided for the entire day. A strong warning is issued to anyone who performs even one of these acts at any time during the day, specifying that he shall be put under a ban.³⁹ Even though it is permitted to eat during the evening hours of certain public fasts, it is strictly forbidden on Tisha B'Av. Thus, Halachot Gedolot, the RIF, and the RAMBAM all maintain that the evening of Tisha B'Av is also a time of prohibition.⁴⁰ Furthermore, in Otzar ha-Geonim the question is posed as to whether it is permissible for one to wear his shoes on the afternoon of Tisha B'Av, based upon the above mentioned principle, mitzvat ha-yom k'kulo. The answer given is that this principle does not apply in the case of Tisha B'Av and that one may, if he so wishes, carry his shoes to the Mincha service and put them on after Aravit in order to wear them home.⁴¹

The question of what happens when Tisha B'Av or Erev Tisha B'Av coincides with Shabbat or Erev Shabbat is a bit more complex. The Mishna teaches that when the 9th falls on the eve of the Sabbath, one fasts but does not complete

the fast.⁴² However, this opinion is overturned by the Gemara, wherein it is noted that the Sages disagreed with the opinion of R. Meir, in whose name the mishna is taught, and that the halacha, according to Mar Zutra in the name of R. Huna, is that one fasts and completes the fast.⁴³

Elsewhere in the Gemara the opinion of R. Meir is taught in a baraita which says that if the 9th or the eve of the 9th falls on the Sabbath, then one may eat and drink one's fill, even in the manner of a banquet of Solomon.⁴⁴ The Tosefta, too, teaches that when the 9th falls on the Sabbath one eats full meals at the appointed times and withholds nothing from himself.⁴⁵ Yet it also teaches in another context, concerning fasting on the days for the wood-offering of which the 10th is one, that when the 9th would fall on the Sabbath the fast was postponed until Sunday and was not completed.⁴⁶ Clearly, we are faced with a division of opinions in this matter. On the one hand, the Gemara states that when Tisha B'Av or Erev Tisha B'Av falls on Shabbat, one is not required to fast and may in fact eat the full Shabbat fare. Yet no mention is made of postponing the fast under any circumstances. On the other hand, the Tosefta, which agrees that when Tisha B'Av falls on Shabbat one withholds nothing from himself, asserts that this is precisely because the fast is postponed.

Regarding the first instance which was raised, when the 9th of Av falls on the eve of the Sabbath, only two of our codes express an opinion. Halachot Gedolot agrees

with the Gemara, stating that when this occurs, one fasts and completes the fast.⁴⁷ Maimonides teaches only that when Tisha B'Av falls on a Friday, the fast is held on that day and not postponed.⁴⁸

Regarding the second instance, when the 9th or the eve of the 9th falls on the Sabbath, Otzar ha-Geonim, Halachot Gedolot, the RIF, and the RAMBAM each specify that one is permitted to eat and drink all that is desired, withholding nothing.⁴⁹ However, it is further stated in Otzar ha-Geonim that even though such practice is permissible, it is not the custom to eat meat or drink wine, owing to a sense of honor for the destruction of the Temple.⁵⁰ Moreover, the RAMBAM is the only one among these authorities who teaches that when Tisha B'Av falls on Shabbat, the fast is postponed until Sunday.⁵¹

Finally, there is one last tradition which is worth noting, one whose importance will become evident in our discussion of the classical Reform material. It proposes that in the future, the Holy One, Blessed Be He will turn Tisha B'Av into a day of joy and happiness for Israel. This great messianic hope is based upon the verse, "And I will turn their mourning to joy" (Jer. 31:13). It is espoused by the Gemara, the Tosefta, and Halachot Gedolot.⁵²

Now that we have presented the rabbinic opinions on the major halachic themes of Tisha B'Av, let us evaluate the approaches which were employed. Clearly, the entire month of Av is viewed as a time of tragedy for the Jewish

people, a period during which luck runs bad and joy is to be diminished. Yet at the same time, there is no true legal obligation which is incumbent during the whole month. Rather, from its very inception the duration of Tisha B'Av observance is limited greatly. The Gemara combines two opinions in order to create the most lenient position possible - that mourning is observed only from the beginning of the week in which the 9th falls through the Fast. This precedent is followed by all of the codes. The implication here is that the duration of Tisha B'Av observance is confined to anywhere from one to seven days, depending upon where during the week it falls. This is indeed about the most lenient approach one could hope to contrive. Only in certain localities do we find that minhag ha-makom dictated abstaining from the consumption of meat and wine from the beginning of the month through the Fast.

Regarding the specific practices of mourning which are mandated for Tisha B'Av, we have revealed a straightforward application of normative mourning customs. The primary area in which there is discussion and disagreement is study. Here, precisely where one would assume that our Rabbis would have a strong opinion (since study and scholarship occupied such a prominent position in their lives), the stringent view advocated by R. Judah in the Gemara is upheld by the RIF and the RAMBAM, the latest of our authorities.

But if stringency is applied to study, it is applied to very little else. When it comes to the implementation

of specific practices, leniency is the hallmark. The idea which is proposed in the Mishna, that one should turn over the couches, is already dismissed by the Gemara and ignored by the codes.

The washing of clothes and cutting of hair, which could have been engineered as a severe dictum, is instead conceived with exceptions and leniencies. The Gemara, based upon the baraita concerning the duration of mourning, establishes that one is only forbidden to cut hair or wash clothes from the beginning of the week of Tisha B'Av through the Fast. As we have already stated, this is a most lenient position and is cited as such within the Gemara. It is confirmed by the codes, wherein there is general consensus that one may not wash clothes (except fine linen, which may not be worn) nor cut hair during the week of Tisha B'Av until after the Fast. If this were not enough, the Gemara also provides an exception to this rule, one which is validated in Otzar ha-Geonim. It stipulates that when Tisha B'Av falls on Friday, one may wash on Thursday, and even on Friday from mincha onward (the very day of Tisha B'Av!) if he did not wash on Thursday, in honor of the Sabbath.

The dietary restrictions are especially lenient. Following the same logic as above, the Gemara combines two opinions in order to arrive at the most lenient view. Thus, the prohibitions concerning forbidden foods are applicable only at a meal which is intended as a concluding meal and takes place after midday. Meanwhile, the prohibitions

themselves are lenient, in that although it is forbidden to eat meat and drink wine at this meal, one may actually eat salted meat and drink wine from the vat. It is possible to argue that this is not really a lenient position since neither of these tastes very good; yet it must surely be recognized that if there even existed a desire to partake of these in preference to vegetables, grains, and water for example, then they must have been considered at least more desirable than this basic fare which was the staple of much of the population. In short, the sacrifice cannot be considered too great.

But there is still disagreement expressed in the Gemara as to whether one need make even this sacrifice. On the one hand, it is stated that one may not have two courses, meat, or wine. On the other hand, Rabban Simeon b. Gamaliel and the Sages are said to have disagreed, arguing that one need only modify his eating habits somewhat. It appears that of the two positions, the codes adopted the practice embodied in the former, that we must abstain from meat and wine and not eat two courses. Yet the time-frame devised by the Gemara is maintained, as is the exception regarding salted meat and wine from the vat. Of course, the more stringent practice of scholars is brought to light by the Gemara and mentioned in the codes as well. In fact, we are urged by all to act as scholars. Nonetheless, it is understood that we undertake this additional personal deprivation not because of an halachic mandate, but out of a sense of midah y'terah.

Concerning bathing, leniency can only be discerned in some of the earlier halachic prescriptions. In spite of the dictum of R. Eliezar forbidding even the washing of hands, feet, and face, the Gemara teaches that it is permissible (Pesachim 54b). However, the codes do not necessarily all agree. Otzar ha-Geonim and Halachot Gedolot cite the dictum of R. Eliezar as the halacha: "A man is forbidden to dip his finger in water on the 9th of Av just as he is forbidden to dip his finger in water on Yom Kippur," but qualify the statement with some very broad exceptions. By the time of the RIF and the RAMBAM this view is reversed and the stringent view ultimately adopted, forbidding washing of any kind on Tisha B'Av.

It is telling that work is actually permitted on Tisha B'Av. As we have seen, every stratum of rabbinic authority upholds the halacha first formulated in the Mishna, that one may work on Tisha B'Av in accordance with local custom. Even though it is clearly not encouraged, as everyone should refrain from work in order to share in the joy of Jerusalem, it is not ruled out by the various authorities either. This is, from the purely legal standpoint at least, a lenient ruling.

Two areas in which stringency is advocated, are the laws concerning pregnant and nursing women and the ruling over the application of the principle mitztat ha-yom k'kulo. In the first case, it is resolved without exception that pregnant and nursing women must fast for the entire 24 hour

period. This is noted not only in the Gemara and the Tosefta, but in a majority of the codes as well. The second case, which is not addressed until geonic times, is also treated with stringency. It is stipulated that one must observe all of the prohibitions pertaining to Tisha B'Av for the entire day.

Finally, a certain degree of leniency can be discerned in the practice which is advocated when there is an intervening Sabbath. Even though this is a slightly complex area, the one conclusion which strikes us in this connection is that when Tisha B'Av and Shabbat coincide, Shabbat takes precedence. Whether or not the fast is postponed, the view stated in the Gemara, Tosefta, and the codes is that one does not fast nor withhold anything from himself on the Sabbath. This would certainly not be the case on Yom Kippur, and to this extent, we must point to a modicum of leniency.

In sum, we can observe that the laws and customs pertaining to Tisha B'Av were generally conceived in a lenient spirit. It would seem that most opportunities to forge a stringent approach were either overlooked or greatly compromised. While to some extent we must acknowledge the dialectical process inherent in the halacha, wherein compromise between two extreme positions is frequently employed, it is nevertheless obvious that in the case of Tisha B'Av mere compromise was exceeded. This has been sufficiently illustrated above in our examples of cases

in which the lenient rather than the stringent approach was adopted. Specifically, leniency was applied to the duration of the mourning practices, the overturning of couches, the washing of clothes and cutting of hair, the dietary restrictions, the performance of work, and to some extent the customs concerning an intervening Sabbath.

However, bathing is treated in the earliest sources with leniency, but later regarded with more stringency. Also, the rulings pertaining to study, pregnant and nursing women, and the principle miqtzat ha-yom k'kulo were treated with stringency on an almost consistent basis. This must give us pause, indicating that Tisha B'Av is not to be regarded as a minor fast, but neither does it attain the status of Yom Kippur, a distinction which is important to keep in mind.

A word is certainly in order about the development of the legal precedents. In general, one might expect to find that the dicta of the Mishna, Gemara, and Tosefta would be considerably refined and reworked by the later sources. However, this is not the case in relation to Tisha B'Av. In fact, very little development per se is observable. Most often, a similar position is echoed throughout the sources from the amoraic strata onward. If there is more than one view cited in the Gemara, the later authorities may select one particular position with which to side. But as we have witnessed, relatively few new insights were added to those recounted in the Gemara, and those which were

usually concerned differing minhagim that had not the status of halacha. There is only one case to which we can point wherein a later authority actually reversed the teaching of the Gemara. Regarding bathing, both the RIF and the RAMBAM advocated strict prohibition in distinction to the opinions of their predecessors.

Why Tisha B'Av was regarded with such leniency up until the 13th century is a topic for another study. Yet it is clear that it did not attain its "humra" quality until sometime later. We might conjecture that the destruction of the Temple itself did not take on its current significance until later.⁵³ In another vein, it is also possible to suggest that the attachment of later tragedies in the life of the Jewish people to this date added a still greater weight to the Fast. Perhaps for this reason more stringency came to be reflected in the later sources.

But whatever the reasons, we can assert with surety that the Fast was regarded with overall leniency from the tannaitic period through the 13th century. Any stringency which came to be associated with Tisha B'Av had to have been innovated after this time. This leaves us to contemplate the regard in which we ourselves wish to hold Tisha B'Av and the stringency which we wish to apply to our observance, a subject that we must leave for a later chapter.

Notes to Chapter One.

- ¹Taanit 4:6
- ²Halachot Gedolot, Taaniot, Hilchot Tisha B'Av
- ³Ibid.; Sefer ha-Halachot, Taanit, Ch. 4
- ⁴Tosefta, Taaniot 3:12
- ⁵Yad, Taaniot 5:11
- ⁶Taanit 4:6
- ⁷Taanit 29b
- ⁸Ibid.
- ⁹Otzar ha-Geonim, Taanit 29b
- ¹⁰Taanit 30a
- ¹¹Otzar ha-Geonim, Taanit 30a
- ¹²Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:10
- ¹³Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:11
- ¹⁴Taanit 30b
- ¹⁵Taanit 29b
- ¹⁶Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:6
- ¹⁷Otzar ha-Geonim, Taanit 29b; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:6
- ¹⁸Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:6
- ¹⁹Halachot Gedolot, Taaniot, Hilchot Tisha B'Av
- ²⁰Taanit 30a

- ²¹ Ibid.
- ²² Ibid.
- ²³ Sefer ha-Halachot, Taanit, Ch. 4
- ²⁴ Tosefta, Taaniot 3:11
- ²⁵ Otzar ha-Geonim, Taanit 29b
- ²⁶ Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:7
- ²⁷ Yad, Taaniot 5:8
- ²⁸ Taanit 30a-b
- ²⁹ Otzar ha-Geonim, Taanit 30a; Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:9
- ³⁰ Tosefta, Taaniot 3:11
- ³¹ Otzar ha-Geonim, Pesachim 54b
- ³² Ibid., Taanit 30a
- ³³ Halachot Gedolot, Taaniot, Hilchot Tisha B'Av
- ³⁴ Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:10
- ³⁵ Halachot Gedolot, Taaniot, Hilchot Tisha B'Av
- ³⁶ Sefer ha-Halachot, Taanit, Ch. 4
- ³⁷ Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:10
- ³⁸ Pesachim 54b; Tosefta, Taaniot 2:14; Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:10
- ³⁹ Otzar ha-Geonim, Taanit 30a
- ⁴⁰ Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:7
- ⁴¹ Otzar ha-Geonim, Taanit 30a
- ⁴² Taanit 2:10
- ⁴³ Taanit 18b; cf. also Erubin 41b
- ⁴⁴ Taanit 29b

⁴⁵Tosefta, Taaniot 3:13

⁴⁶Ibid., 3:6

⁴⁷Halachot Gedolot, Taaniot, Hilchot Tisha B'Av

⁴⁸Yad, Taaniot 5:5

⁴⁹Otzar ha-Geonim, Taanit 29b; Halachot Gedolot, Taaniot, Hilchot Tisha B'Av; Sefer ha-Halachot, Taanit, Ch. 4; Yad, Taaniot 5:8

⁵⁰Otzar ha-Geonim, Taanit 29b

⁵¹Yad, Taaniot 5:5

⁵²Taanit 30b; Tosefta, Taaniot 3:14; Halachot Gedolot, Taaniot, Hilchot Tisha B'Av

⁵³This might be attributable to the fact that from the political perspective, the destruction allowed for the elimination of the priestly cult and the flourishing of rabbinic Judaism. Indeed, the actual extent to which the Pharisees lamented the destruction is a matter of questionable certainty. In this connection, we might note that in P.T. Taanit 4:6 Rabbi is represented as advocating the elimination of Tisha B'Av as a fast day. The Karaites also claimed that the Pharisees were negligent in their mourning over the destruction of the Temple - cf. R. Mahler, Kara'im, "Ha-Avel al-Tzion v'Kisufey-ha-G'ulah," 1949, pp. 226-9.

CHAPTER II: The Traditional Liturgy.

In this chapter, we will examine the liturgy for Tisha B'Av. We will briefly present the liturgical format that is widely in use today, and trace its development from its inception through the geonic period. Again, we will hope to learn how Tisha B'Av was regarded, this time liturgically, in the tannaitic, amoraic, and geonic periods. While we know that the liturgy is currently well-developed and quite unique in certain respects, we will seek to ascertain when such complexity came about, whether it was an early or late occurrence, i.e. post-geonic.

We today have a great variety in the traditions which have been handed down to us. Actually there are many interesting innovations that have evolved over time and, as a result of this phenomenon, it is difficult even to point to one single tradition and expect to find uniformity therein. Often, the lines between the various traditions are blurred, and this fact adds to the confusion. Hence, the Ashkenazic tradition, which one would expect to be rather clearly delineated, is rendered differently by different authorities, and the lack of uniformity is evident. Nonetheless, there are some basic liturgical modifications to which most Ashkenazic authorities agree, and it is to these that we will look in order to obtain an overall impression of the liturgy today. Bearing in mind all of the possible

variations, not only within the many variant traditions, but within the Ashkenazic tradition specifically, we will present the basic Ashkenazic nusach as a basis for comparison of the liturgy of Tisha B'Av at its different stages of development.

There are a number of liturgically related customs which are observed in traditional settings today. For example, one refrains from wearing leather shoes, or sometimes any shoes, either for the whole day of Tisha B'Av or simply while in synagogue. Often, it is customary to sit on the floor of the synagogue or on low stools throughout all of the services, or through only certain services, or perhaps just during the recitation of Lamentations and the kinot. In many synagogues it is also the custom to remove the parochet from the ark and the ornaments from the Torah scrolls. Frequently, the prayers are intoned in a sad mode in keeping with the spirit of the day. Finally, it has become customary to refrain from wearing a tallit or tefillin (except for the tallit katan) during Shacharit, but donning them instead, during Mincha.

Of the liturgy itself, it can generally be said that the primary innovations are found in the elimination of certain verses, and the addition of the Nachem and Anenu prayers. Also unique are the chanting of the book of Lamentations as well as various kinot, and the special Torah and Haftarah selections.¹

In the liturgy proper, we find that during the Maariv

service, the complete Kaddish (including titkabel) is recited after the regular weekday Amidah. Then the book of Lamentations is chanted, followed by the recitation of kinot. V'Atah Kadosh is said immediately after the kinot, minus the introductory passage (u-vah l'tzion goel). After this, a complete Kaddish (minus titkabel), Aleynu, and the mourner's Kaddish follow to conclude the service.

The Shacharit service is distinguished by the insertion into the Amidah of the Anenu (characteristic of all fast days) after the seventh benediction in the reader's repetition. Also, no Birkat-Kohanim is recited. Following the Amidah, neither Tachanun nor Avinu Malkeynu are said. The Torah reading consists of Deuteronomy 4:25-40, and is accompanied by three aliyot. The Haftarah, which is chanted to the melody of the Lamentations cantillation, is from Jeremiah 8:13-9:23. After the Torah is returned to the Ark, the morning kinot are recited, followed by Ashrei. La-m'natzeach is skipped, and U-vah L'Tzion Goel is said, minus the verse, Va-ani zot b'riti. Kaddish is recited, without titkabel, and the service concludes with Aleynu and the mourner's Kaddish. No Psalm for the day is said and it is customary to refrain from singing Ain Keloheynu or any such hymn.

At the Mincha service, all of the prayers which were omitted from Shacharit are said, such as the Psalm of the day, the Hymns of Unity, and the Hymn of Glory. After Ashrei, the Torah is read with three aliyot. That which is traditional for the fast days is read in the afternoon -

Exodus 32:11-14; 34:1-10. The Haftarah, also read traditionally on fast days, is Isaiah 55:6-13; 56:1-8. Anenu is again inserted after the seventh benediction in the reader's repetition of the Amidah and also inserted before the close of the 16th benediction in the silent reading. Only at Mincha is the special Nachem inserted before the close of the 14th benediction. The reader recites Birkat-Kohanim as well as the full Kaddish, including titkabel.

How many of these alterations go back to antiquity? In examining the early liturgy, we find that at its inception, there was actually very little deviation from the regular liturgy of yom chol. Even through the 10th century, the Tisha B'Av liturgy was very much in flux. Since this later period is not within the scope of our study, we will not trace each and every development occurring within it. But we will survey the earlier era - pre-10th century - to indicate the state of the liturgy during that formative time. In what follows, then, we take each addition to the order of yom chol and see how it evolved up to the conclusion of the geonic age. Our primary sources will be the Mishna, Tosefta, Bavli, Yerushalmi, Soferim, Seder Rav Amram, and Siddur Saadia.

But before discussing the liturgy itself, we should say a word about the origins of the liturgically related customs which we mentioned above. As might be presumed, the practice of refraining from wearing leather shoes extends back to the prohibition first stated in Taanit 30a regarding

the practice of mourning, which we have already discussed in Chapter One. In this same chapter, we also noted that the Sages ruled against the necessity of overturning the couches, but it seems that this practice was later integrated into the Tisha B'Av ritual afterall, though it is not mentioned in any of our early sources and must, therefore, have been introduced sometime after the 10th century. Likewise, we find no mention of the removal of the parochet or of the Torah scroll ornaments by any of our authorities, nor of the custom of intoning the prayers in a sad mode. However, the absence of these practices from our early sources is not at all suprising since these mourning rituals were no doubt conceived to accompany the reading of Lamentations, a practice which was not standardized as a set public ritual until the 9th century. Finally, the tradition of refraining from wearing a tallit and tefillin at Shacharit appears to have originated with Rabbi Meir of Rothenburg,² although Maimonides a century earlier mentioned the practice of scholars who refrained from wearing tefillin on their heads on Tisha B'Av.³

While it is currently customary to recite the book of Lamentations at the Maariv service, this was not always the case. As we have already seen, the Gemara mentions the reading of the book, but as a matter of private study (Taanit 30a). In fact, the introduction of the reading of the book as a public ritual is not known to us until the 8th century, when it is recorded in Massechet Soferim.⁴

But even here, we find that it may be publicly read either in the evening or in the morning following the Torah reading. This suggests to us that the ritual was still not standardized in one set place, as late as the 8th century. However, one century later, by the time of Amram, the reading was finally fixed as a part of the Evening service.

The recitation of kinot following Lamentations in the Evening service, and following the Torah reading in the Morning service is also a late phenomenon. In Soferim, the custom of reading Jeremiah 14:19-22 and Ps. 79 and 137 is noted,⁵ but still no mention is made of any other additional readings, aside from Lamentations, cited above. From Seder Rav Amram, it becomes apparent that in Amram's day, selichot were recited, but the extent of the collection which was included in this ritual is uncertain. It is clear, however, that these selichot were not grouped together but, rather, interpolated into the Amidah. Also, in Siddur Saadia, Saadia Gaon himself recorded eleven original selichot for Tisha B'Av, some of which are found today in the Sephardic ritual. However, in his siddur we also discover that no suggestion is made for the recitation of kinot as a collection; as in the siddur of Rav Amram, it is expected that selichot will be integrated into the Amidah. In essence, the practice of reciting kinot after Lamentations in the evening and after the Torah reading in the morning did not exist in the geonic period. It was not until the time of Machzor Vitry that these kinot were collected and read in this fashion.

Most likely, this was done in order to lend greater continuity to the service, since by this time the number of kinot had become quite large.

The Torah portion assigned for Tisha B'Av also exemplifies a great deal of change from the mishnaic period through the geonic period. In Megillah 3:6, it is taught that "...on the days of fasting, the Blessings and the Curses [are read] (Lev. 26:3-46)." But in the Tosefta, two variant traditions are cited: "On Tisha B'Av we read the portion beginning, 'When you shall beget children' (Deut. 4:25-40), but others say, 'If you will not listen' (Lev. 26:14ff.)."⁶ One might imagine, based upon this statement in Megillah 31b, that the question is finally resolved:

On the Ninth of Av itself what is the Haftarah?
Rav said: 'How is she become a harlot' (Isa. 1:14).
What is the section from the Torah? It has been taught:
Others say, 'But if you will not listen to Me' (Lev. 26:14ff.); R. Nathan b. Joseph says, 'How long will this people despise Me' (Num. 14:11); and some say, 'How long shall I bear with this evil congregation' (Num. 14:27). Abaye said: nowadays the custom has been adopted of reading, 'When you shall beget children' (Deut. 4:25-40), and for Haftarah, 'I will utterly consume them' (Jer. 8:13).

However, it becomes evident from Soferim that this is not at all the case. Here we find that, "On the fast days of the Ninth of Av and the last seven days in connection with droughts, we read the section of the Blessings and Curses."⁷ Furthermore, it should be obvious from the above that there exists no mention of another reading in the afternoon.

In short, none of this was sorted out until the time of Amram. In his siddur, we find the currently accepted

tradition, which he attributes to Rav Natronai bar Hillai, according to which we read Deut. 4:25-40 (with three aliyot) and Jer. 8:13-9:23 in the morning, and Ex. 32:11-14 and 34:1-10 and its accompanying Haftarah in the afternoon. However, Saadia is not in agreement, prescribing Deut. 4:25-40 and Jer. 8:13-9:23 for Mincha instead, leaving the morning without a reading.

Within the body of the liturgy itself, there are only two insertions: Nachem or Rachem, and Anenu. The Anenu is known to us from some rather early sources, notably, Taanit 11b and P.T. Taanit 2:2. In the former, the prayer is not quoted, but cited as the tefillat taanit. In the latter, the text of the prayer is quoted in a form which is very similar to ours. Here we are instructed to include the Anenu between the 7th and 8th benedictions on a public fast day. In neither text is any special reference made to Tisha B'Av, and from this we can infer that the Anenu is a prayer which was intended for general use on all public fast days. This same tradition is upheld by both Amram and Saadia.

The Rachem is also mentioned in P.T. Taanit 2:2. Again, the full prayer is quoted, and in this case, specially designated for individual recitation on Tisha B'Av. Interestingly, we are instructed by Amram to insert this prayer into the 14th benediction of the Amidah at each of the three Tisha B'Av services - Maariv, Shacharit, and Mincha. Saadia also requires its inclusion, and specifies only that it is to be added to the Tisha B'Av Tefillah

in the 14th benediction; this would lead us to believe that he intended its inclusion in all of the services as well. Not until the time of the Machzor Vitry do we find that the inclusion is limited to the Mincha service alone.⁸

By now, it should be clear that the liturgy of Tisha B'Av was in its formative stages of development through the 10th century and indeed beyond. As we have seen, only one of the customs which surround the synagogue ritual was practiced before the 4th century - refraining from wearing leather shoes. All of the other customs - removal of the parochet and the Torah scroll ornaments, sitting on low stools, intoning the service in a somber manner, and wearing a tallit and tefillin at Mincha instead of Shacharit - were introduced after the 10th century.

The recitation of Lamentations at the Evening service is also a late development. Even though it is mentioned in the Gemara as one of the texts that an individual may study on his own, and in Soferim it is required to be read publicly in the evening or the morning, it is not until the time of Amram that it is intended for reading in the synagogue in the Evening service. Hence, not before the 9th century does this ritual fully mature.

Perhaps the latest of all of the liturgical rituals to develop are the kinot. As we noted, Soferim only mentions the public reading of Jer. 14:19-22 and Ps. 79 and 137. Amram, like Saadia, inserted selichot into the various benedictions of the Amidah. Clearly, the production of

kinot, while rooted in the earlier tradition of selichot, was a later phenomenon which extended well beyond the geonic period, through the Middle Ages. The custom of reciting them collectively after Lamentations in the evening and after the Torah reading in the morning was also a late innovation.

The establishment of the Torah readings reflects the greatest diversity in the development of a liturgical ritual for Tisha B'Av. Although there has been a prescribed reading from the time of the Mishna, what it consisted of was effectively a matter of debate in the Tosefta, the Gemara, and Soferim. Even though Amram recognized the readings which we acknowledge today, Saadia did not, leaving us to wonder just how pervasive the tradition of Amram was in the 9th and 10th centuries.

Finally, with regard to the insertions of Nachem and Anenu, we can without hesitation identify their early origins; both are recorded in the Yerushalmi as accepted traditions. However, as we have already pointed out, their forms there vary slightly from those in our texts, and their appointed places within the liturgy are not consistent with our current practice. This is even true for the practice which is reflected in the siddurim of Rav Amram and Saadia Gaon. Not until Machzor Vitry is there consistency with our practice.

In sum, we can now see that the Tisha B'Av liturgy developed rather late. In its early stages, there existed

very little which was specifically unique to the Fast. It would seem that until the 4th century, the only customs which pertained to Tisha B'Av were the private reading of Lamentations, the recitation of Anenu (a prayer designated for all public fasts) and Rachem, and a Torah reading, the content of which was still a matter of serious debate. By the 10th century, we find more additions, such as the public reading of Lamentations at Maariv, the chanting of selichot, and the determination of set Torah readings. Nevertheless, more refinement was still to take place well after the 10th century, not only regarding the proper organization of the liturgy itself, but also by way of the great embellishment of the kinot and their subsequent collection into a cohesive genre of elegiac poetry.

How this early lack of liturgical complexity prior to the 10th century reflects the halachic leniency which we noted in Chapter One, and whether the post 10th century developments reflect the growing concern for stringency are certainly relevant questions. To some degree, it is realistic to ascribe this later expansion of prayers and their attendant practices to the obvious fact that liturgy as a whole has continually developed and, hence, it is only natural that here too, as traditions were handed down they were reworked and enlarged. On the other hand, the formalization of particular private practices such as the reading of Lamentations or the various mourning customs, and the substantial addition of kinot to the liturgy was

not necessarily inevitable. This is to say that all of the stringent practices which were ultimately introduced into the synagogue ritual might actually reflect a more serious view of the Fast, one which was not really extant before the 10th century. This must certainly become a factor in our later reckoning with the possibilities for Reform worship.

Notes to Chapter Two.

¹For full discussions, cf. I. Klein, Guide to Jewish Religious Practice (New York: JTS, 1979); A.Z. Idelsohn, Jewish Liturgy and its Development (New York: Sacred Music Press, 1932); A. Rosenfeld, ed., Kinot for the Ninth of Av (London: I. Labworth & Co., 1965); I. Elbogen, Ha-Tefilah B'Yisrael B'Hitpatchutah Ha-Historit (Tel Aviv: Devir Co., Ltd., 1972)

²Cf. I. Klein, Op. Cit., pp. 249ff.

³Yad, Taaniot 5:11

⁴Soferim 18:4

⁵Ibid., 18:3

⁶Tosefta, Megillah 4:9

⁷Soferim 17:7

⁸Cf. A.Z. Idelsohn, Op. Cit., note 10 to chapter 17, p. 377

CHAPTER III: The Reform Liturgy.

We now turn our attention to the Reform liturgy. Not only will we examine the prayer books which came out of Europe and America, but also some of the literature pertaining to synagogue order which frequently preceded or accompanied the publication of new prayer books in Europe. We will endeavor to understand the changes which were made in the Tisha B'Av liturgy and synagogue custom in light of the larger trends which prevailed within the Reform movement in Europe and the United States in the 19th and 20th centuries. Our approach will be to survey some of the salient literature and liturgical works in order to obtain a representative overview of the wider body of material.

Initiation of synagogue reform in Germany was often accomplished by means of authoritative pronouncements regarding synagogue order and decorum, called Synagogenordnungen.¹ Some of these specifically addressed both the synagogue decorum and the liturgy of Tisha B'Av. For example, in 1838, the Jewish community published in Stuttgart a document called the "Regulation of the Worship Service for the Synagogues of the Kingdom of Wuerttemberg, ordained with highest approval by the Royal Israelitish Supreme Ecclesiastical Authority."² Therein it was stated that it would no longer be permitted to sit on the floor on the fast of the Ninth of Av, nor to remove shoes and boots in the synagogue.

Similarly, five years later, in 1843, the "Worship Service Regulations for the Israelites of the Principality of Birkenfeld" were published.³ Again, the taking off of shoes and boots on the Ninth of Av was forbidden. Going still further, it demanded the omission of Av ha-Rachamim from the service, to be replaced by a German prayer for those who died as martyrs. Of perhaps most consequence, was the further omission of the kerovot from the Tisha B'Av service.

In this same year, the synagogues of the Grand Duchy of Mecklenburg-Schwerin issued their Synagogenordnung.⁴ It also prohibited sitting on the floor on Tisha B'Av, but stipulated that one may sit on a low stool provided that it is put in place prior to the service. It also stated a prohibition against taking off and putting on shoes and boots in the synagogue, but allowed for the wearing of felt shoes, as long as they were worn prior to entering the synagogue.

In Posen, in 1912, sixty-one rabbis convened for a conference of the Union for Liberal Judaism. They drafted a document containing guidelines of Reform thought and practice which remained the official platform of German Reform for many years.⁵ Its eleventh point stipulated that "Hanukkah, Purim and Tisha B'Av are to be observed in an appropriate manner as historical days of remembrance."

What we learn primarily from these Synagogenordnungen is that Tisha B'Av was indeed observed with pious solemnity

in the early days of Reform. But its observance in halacha was to be tempered by western aesthetic, theological, and moral considerations. On the aesthetic side, traditional customs like taking off one's shoes or sitting on the floor were either banned, or modified. Modification generally consisted of preparing in advance an acceptable halachic vehicle (e.g., felt shoes instead of stockinged feet, or a low stool instead of the floor) which could be utilized inobtrusively and decorously. From the theological perspective, we see already the focus on "historical remembrance," rather than literal mourning for the Temple's demise, and prayer for its return. The moral factor is observable in the substitution of a pure martyrology for the medieval Av ha-Rachamim, which contained a petition for divine revenge on Jewish adversaries.

This intention of keeping Tisha B'Av, albeit in a modified but halachically acceptable manner, is further borne out by the liturgy which was produced at that time. Petuchowski has made a brief study of the European Reformers' liturgical works for Tisha B'Av, drawing the following conclusions:

...neither Geiger himself nor the vast majority of the other European Liberal and Reform liturgists did away with the service for the Ninth of Ab. Not only did many of them retain the appropriate Torah and Haftarah readings, but they also invested the Eve of the Ninth of Ab with a special solemnity, and called for a sermon as part of that service. The practice of reading the Book of Lamentations was continued, and even some selections from the more literary kinoth (elegies) were included in the services.⁶

Among the services which are reviewed in this study are those from the prayer books of Hamburg, 1841, Berlin, 1848 (Gebetbuch der Genossenschaft fur Reform im Judenthum), Geiger's 1854 and 1870 prayer books, Stein's 1882 prayer book, Vogelstein's (Westphalia) 1894 prayer book, the Einheitsgebetbuch of 1929, and volume five of Forms of Prayer of the West London Synagogue, 1843. Even though these services for Tisha B'Av are generally reduced in length, they nevertheless contain a representative sampling of readings from the book of Lamentations and at least a few kinot, appropriately placed. That the Tisha B'Av liturgy is reduced cannot be an indication of the regard in which the Fast was held, since a parallel elimination of prayers and the condensation of the synagogue service was part of a general effort to invest synagogue ritual and liturgy with the dignity and decorum becoming of an enlightened spiritual community. Hence, what is significant about these services, is the insertion of various prayers, hymns, and meditations in the German vernacular, as it is these which really came to reflect the unique tenor and philosophy of the European Reform liturgy for Tisha B'Av.

Almost unanimously, they expressed the new universal messianic hope which was the hallmark of early Reform, and which could now be effectively integrated into a Reform view of Tisha B'Av. This is well illustrated by the following excerpt from the Gebetbuch der Genossenschaft fur Reform im Judenthum:

We mourn not for the ruined kingdom of Israel, and for Judah which Thou hast destroyed, for Thou hast set Thine eye upon all mankind, so that it may become Thy possession even as Israel was of old. And we mourn not for the humiliation, which was the price we had to pay, for we know that we bore it for Thy Name's sake. Now, in Thy mercy, Thou hast taken from our shoulders the burden of oppression which crushed our fathers. Here, on the soil of a new homeland, Thou hast restored to us the fatherland which we have lost for ever in the land of our fathers; and Thou hast given us a full and unlimited portion in the freedom of this great and free nation to which we belong. Thou, O Lord, wilt ever increase on earth the might of the kingdom of Thy love, that we may rejoice in it together with all our brethren, and that, united, we may labor towards the completion of the great task to which Thou hast called Thy whole mankind.⁷

Geiger rendered the following free translation of Terachem:

Enough of lamenting for Zion and Jerusalem! God buildeth the indestructible walls of the eternal Jerusalem - of the Jerusalem which proclaimeth the mercy of God to all. The glory of God will become manifest in her; and the blessing of God and comfort and joy will flow over all. Thanksgiving and praise will dwell there. Amen.⁸

A similar sentiment is echoed in a German prayer found in Stein's prayer book:

O Lord, our God and God of our fathers! In a solemn evening hour we are gathered here to pay due tribute to the memory of the sad fates of our fathers. For tomorrow is a day which seems to be one of a particularly hard fate for Israel. On it, the Holy Temple and the Holy City were twice destroyed. Twice was Israel expelled from the Promised Land of its ancestors, and thrust into captivity and distress, into the hatred of the nations. Like unto those who mourn for father and mother, they sat on the ground, for they had lost their fatherland and their freedom. A future covered by darkness stood before them like a night without stars, in which a darkly veiled sky threatens to bring on terrifying storms. Yet it terminated, that ghastly night. The bright morning of a better time dawned. Painful memories and glad hopes together animate us in this hour...⁹

Likewise, the prayer book of Westphalia designates the

following translation of Temaher Yeshuah:

The thought of God's help, which Israel did not lack even in difficult and painful times, and which smoothed and brightened his path of thorns, that thought fills us on this night of meaningful remembrance with faithful trust and hopeful confidence... Walking in the light of God's Teaching, diligently laboring for the welfare of mankind, and promoting everything good and noble, we honor best the memory of Zion and Jerusalem - of those sites whence the Word of the Lord had gone forth. Thus do we contribute building stones to the sublime temple of mankind, from the pinnacles of which there waves as a shining sign the banner of the knowledge of God and the love of man...¹⁰

The Frankfort Prayer Book, edited by Seligmann and published in 1910, includes a special prayer for Tisha B'Av; the following is an excerpt:

The Temple was destroyed, but they [the fathers] made the sacred teaching of God into a new altar whose flames were not extinguished even in the darkest days. The sin offerings had ceased, but they brought their contrite hearts and devout prayers and their works of loving-kindness toward men as sacrifices pleasing to You. Thus they created for themselves a new Zion, a new spiritual and religious home, and gave to the world an example of unexcelled faithfulness. They waited in trusting confidence for the day when You, O most merciful One, would have mercy upon them and would make the morning sun of a better age dawn for them. The Messianic morning is still far away, the night of trial for Israel has not passed, but a brighter age has opened for us. Let us look forward with hope to the coming dawn on which justice and love will shine over all nations like the sun.¹¹

Finally, a somewhat more particularistic prayer is found in the supplement to the German Liberal Prayer Book; here is an excerpt:

In remembrance of all this misfortune our souls are full of sadness, but the past full of sadness and of woe also contains the comfort which our heart in all the manifold trials of the present needs so dearly. Babylon and ancient Rome are gone, the sun of Spain has set, but Israel and Israel's holy faith still live, for Thou, O Almighty One, wast our light during

the night, our shield in our need. Therefore they could torture but not destroy us. O remember Thy people that everywhere where Thy sun is shining the sun of peace and human brotherhood may also warm the hearts of men, so that Israel may be aided and the day of remembrance of the ninth of Av may be changed into a day of happiness and joy through Thy grace. Amen.¹²

Thus, we see that thoughtful attention was devoted to Tisha B'Av by the European Reformers. From the aesthetic standpoint, their liturgical reforms could be seen as an attempt to bring out the finest in our tradition; the dress was let go, the essence retained and sometimes translated into the vernacular, that its intrinsic beauty might be even more deeply appreciated. It was thought that by limiting the selection of hebrew prayers, kinot, and scriptural readings, only the best, most literary, and most poignant would remain.

From the theological perspective, a radical new message was made to arise from the liturgy by means of the additional German prayers which were introduced into the service - that of a universal messianic vision. While the destruction of the Temple and the sad fate of the exiles was lamented as a day of calamity for those people, it was now viewed only as an historical memory, for a new age was dawning, messianism was already at hand! Liberated from the oppression which had burdened our ancestors, these early Reformers saw a new homeland in Germany where, together with their brethren, they could work toward the fulfillment of the new universal messianic dream.

However, the American Reform approach was not quite as predictable, as we shall see. David Einhorn, perhaps the greatest individual influence on the Reform liturgy in its early stages, had some unique thoughts on the significance of Tisha B'Av. He went one step beyond his European counterparts in assessing the implications of the destruction of the Jerusalem Temple, the disintegration of the priestly cult, and the exile of the Jewish people:

Reform recognizes in the decline of the sacrificial cult, of the priesthood, and of the state of Israel, a wise divine revelation to all of Israel... Reform recognizes in the flaming Temple mount not a curtailment but rather a continuation of the divine work of salvation, which had begun on flaming Mount Sinai, marking the real beginning of the priestly mission, the conveyance of the divinity to all the children of this earth, for which Israel had been ordained at the Sinaitic choice.

...the holy Temple, and with it the shackles of religious coercion, melted away in its flames, to let freedom emerge from the ashes as the triumphant queen and master. ...From now on, it was no longer the threatening sword of judgment but rather the heart which was to determine the relationship between God and man, and the divine maxim: "Ye shall be holy, for I, the Lord your God, am holy," was to be truly realized.

To be sure, there are some who, in complete denial of our history, consider the ceremonial law as the core of Judaism and who deplore the immense unbridgeable gap that has separated us from it through the dispersion of Israel. We, however, rejoice over it... ...Israel, like Joseph of old, lost a coat of many colors and like him wandered into exile, to grow up into the prince of God and to become fruitful in the land of his oppression!

Israel was chosen by the Lord to be the receptacle for the balm of the Sinaitic doctrine... Now, in obedience to the Lord it had to come forth from its isolation, to be forced from place to place, from land to land, and see its old insulating hulk punctured in every place, in order to permit the pleasing aroma of its precious balm to penetrate everywhere.

There shall be in our hearts not only comfort - nay, a joyful pride and heavenly jubilation shall thrill our being, because of the magnificent, glorious thing God has done for His people, and because of the even greater and nobler future which awaits us. No! We must not weep over the ruins of Jerusalem; for beyom she-neherav bet ha-mikdash nolak ha-moshiah - the Messiah was born in those very ruins! Israel lost a structure of wood and stone so that it might win more souls for God. It lost its homeland so that it might conquer a world. To be sure, its sons despaired when they saw the Temple go down in flames, but God sees farther than man. He recognized in the fallen Temple merely the foundation and cornerstone for the house of prayer for all people.¹³

Indeed, this was a strongly worded message. It exceeded in its insistence even the most adamant words of the European Reformers. For Einhorn, the same universal messianic vision emerged from Tisha B'Av, wherein the priestly mission of Israel is central, but with an added component - he viewed Tisha B'Av as a day of blessing for the Jewish people and the destruction of the Temple as a divine "reform."

This is reflected in his once widely-used prayer book, Olat Tamid, which was first published in German and Hebrew in 1858. English editions were to follow sometime later; the first translation, produced by the author himself, appeared in 1872, and the second translation, by his son-in-law Emil Hirsch, was published in 1896. Although the formats for the Tisha B'Av service vary somewhat in the latter two editions, the same basic prayers are to be found. Each includes the insertion of an adaptation of Ps. 80 before the Barechu, and each contains before the final three benedictions of the Amidah a minister's prayer which imparts Einhorn's own doctrine. Below is an excerpt from this prayer:

Out of the flames of Zion arose the messiah - the martyr, Israel, who freed from the bonds of childhood, marches through all the world, a man of sorrows, without form and appearance, despised and spurned; to deliver, through his fetters, his own tormentors; to bring healing, in his wounds, to them who wound him; to see seed - after his soul has been the sin-offering; to carry out the will of his Lord, and delight in the countless hosts gathering around him. And thus, O Lord, according to the word of thy prophet, this day, formerly a day of mourning, has become a day of joy through the recollection of the glorious preservation of thy law and of our high messianic vocation, which began with the event commemorated to-day. True, this vocation has cost us painful sacrifices, and long is still the way before us; yet our heart is full of gratitude in selecting us to be sacrificing priests for all mankind; and unshaken is our trust in thy promise, that the time will come when every being animated by thy breath will bend before thee.¹⁴

In 1892, the very first edition of the Union Prayer Book appeared, and with it the beginning of a new era for Reform liturgy. Curiously, this prayer book contained no special prayers or services for Tisha B'Av. However, for various reasons, this original work met with some serious opposition, and was quickly replaced by a reworked edition which appeared in 1895, volume II of the Union Prayer Book (Volume I, the service for the High Holy Days, had appeared in 1894). In it is contained a prayer for Tisha B'Av which seems to be loosely based upon Einhorn's prayer above, although it is considerably shorter in length. Following is a key excerpt:

It had pleased the Lord to make His servant the wonder of the nations, and a witness to His own imperishable truth; though a bruised reed, he was not broken. He was put to grief and numbered with the transgressors, yet he bore the sin of the nations, and out of his wounds flowed the balm of healing for mankind. A man of sorrows, smitten of God, despised and rejected of men, he was as a lamb brought to slaughter and

would not open his mouth; yet his death did give life, the darkness of his imprisonment brought light to the Gentiles. The One temple in Jerusalem sank, but thousands of the sanctuaries of the God who once hallowed it, rose in its stead all over the globe where the same God was worshiped and the same truth proclaimed. Thus has the Lord comforted Israel and turned his sackcloth into garments of joy.¹⁵

When the revised Union Prayer Book of 1918 was published, this prayer was conspicuously lacking. Similarly, the newly revised edition of 1940 made the same omission. Apparently, Tisha B'Av observance was dropped altogether by this time.

Since there is not discussion of Tisha B'av in three of the major chronicles of the Reform Movement - David Philipson's comprehensive work, The Reform Movement in Judaism, Freehoff's Reform Jewish Practice, and the C.C.A.R. Yearbook to date - it is difficult to ascertain the precise background of this unprecedented development. Our speculation must be for the most part limited to the primary liturgical sources, that is, to the prayer books themselves. In this case, we might suggest that neither the traditional mourning for the destruction of the Temple nor the radical messianic exultation of the early Reformers was palatable to the Reform community of 20th century America. We do know that such events as the Ukrainian massacres and especially the Great War significantly affected the perspectives of the American German Reformers; certainly, we can imagine that the disappointment in Germany was intense for those who had looked to that country to lead the messianic movement. Thus, the obvious compromise was adopted - to drop the Fast entirely. This remained the status-quo until the 1950's and 60's, when Tisha B'Av

was gradually re-introduced into the liturgy of Reform synagogues. In the following chapter, we will discuss this re-emergence.

Notes to Chapter Three.

¹Cf. J. Petuchowski, "Order and Decorum" in Prayerbook Reform in Europe (New York: WUPJ, LTD., 1968), for a full discussion of synagogue reform in Europe

²Cf. Ibid., pp. 112ff.

³Ibid., pp. 115ff.

⁴Ibid., pp. 117ff.

⁵Cf. W.G. Plaut, The Growth of Reform Judaism (New York: WUPJ, LTD., 1965), pp. 68ff.

⁶J. Petuchowski, Op. Cit., p. 291

⁷Ibid., p. 293

⁸Ibid., p. 294

⁹Ibid., p. 295

¹⁰Ibid.

¹¹W.G. Plaut, Op. Cit., p. 302

¹²Ibid., p. 304

¹³W.G. Plaut, The Rise of Reform Judaism (New York: WUPJ, LTD., 1963), pp. 201-3

¹⁴D. Einhorn, Olat Tamid (Baltimore: Deutsch and Golderman, 1872), p. 332

¹⁵Union Prayer Book, 1895, p. 284

CHAPTER IV: Recommendations for Reform Observance.

In 1975, the Gates of Prayer was published and, for the first time in many years, Tisha B'Av was included in the Reform liturgy. Unlike some previous Reform services, this service adheres in both form and structure to the rubrics of the tradition service.

The service itself is intended for both Tisha B'Av and Yom ha-Shoah, and is designed as either a morning or evening service, with the appropriate options for each included. Many of the English readings deal with Jewish suffering, Divine providence, and individual, national, and universal salvation. The Tefillah is abridged - that is, while the first three and last three benedictions are included, the middle thirteen are represented by a comprehensive prayer which appears in Hebrew and in English translation. Following this abridged Bakashot section, is a somewhat modified Anenu, reworked to fit the occasions of Yom ha-Shoah and Tisha B'Av as well as to be consistent with the Reform version of the sixteenth benediction, and then the traditional Nachem. The notes at the conclusion of the Tefillah suggest a Torah reading - Deuteronomy 4:30-40.

Clearly, this service represents a large step in the development of the Reform liturgy for Tisha B'Av. In keeping with the spirit of the prayer book, its format is flexible. One can read the service in either Hebrew or English, or

intermix the two. Its tenor is not just particularistic nor just universalistic but, rather, a balance is sought. It does not gloss over the tragedies of the Jewish people in favor of a universal messianic vision, nor does it dwell upon Jewish suffering to the exclusion of messianic hope. In short, the service is designed to accommodate a variety of tastes, leaving it up to the reader and congregation to make their own unique imprint upon the worship experience.

Thus, it is our task to decide precisely what that imprint will be, to determine, in light of our study, the kind of Tisha B'Av observance which is appropriate for Reform practice in our time. In order to facilitate this, we must develop a philosophical and theological basis upon which to construct our model.

First, let us establish the facts concerning an authentic tradition with regard to Tisha B'Av. By now, it should be obvious that no single authentic tradition can be said to exist. As we have demonstrated, the development of stringent requirements for both custom and liturgy were quite late. Based upon our studies, it is apparent that prior to the 12th century, custom and practice were treated with considerable leniency, and thus it is only after that time that Tisha B'Av became a rigorous fast day from this standpoint. Just as significant is the fact that the liturgy itself was not really formalized until the Machzor Vitry and, even later, numerous additions were made to the service by way of a growing collection of kinot.

Prior to this time, as we have also demonstrated, neither the specific content nor the order of the service was set into its final form. Hence, from the liturgical perspective as well, Tisha B'Av was little more than a routine fast day until sometime after the 11th century. In short, insofar as authenticity is equated with original design or with rootedness in antiquity, we must question the extent to which authenticity is to be found at all in current traditional observance, which at best can be considered a product of Jewish life after the 11th century, or with that which was extant before, when the prominence of Tisha B'Av was clearly far less pronounced.

The absence of one authentic tradition is sufficiently significant to be stressed again. Had it existed, we might derive from it a certain obligation to maintain the continuity of the historical process by which it was transmitted and developed. Particularly if we were confronted with a tradition which had remained constant in its meaning and import since mishnaic times, we would be compelled to consider carefully before breaking away from it in any substantial way. That this is not the case, leaves us to determine for ourselves what is important about this fast day, to create a model of observance which, though not authentic (since "authenticity" is unattainable), yet captures the spirit of Tisha B'Av as we perceive it.

It has been suggested by some in the Reform community that rigorous observance of a fast is no longer an appropriate

mode for our time. For them, it represents little more than the replication of a past pattern of piety which bears minimal relevance to our situation today. They question whether it is indeed reasonable to expect that our congregants will take on such a commitment, even if we do prescribe it. Restoration of the Reform observance of Tisha B'Av is one thing, but rigorous fasting observance quite another. If the day is of no particular moment to the majority within our movement, if the destruction of the Temple carries for them no significant meaning, then why should they be requested to mourn? In other words, should we not shape our observance to suit the situation and needs of our constituents?

This approach is methodologically problematical. While we must certainly always weigh the needs of those within our movement, we cannot allow them alone to become our guiding principle. There are other factors to consider as well. Minimally, Tisha B'Av has always been a day of fasting and mourning. This is apparent to us even from the earliest sources. From the standpoint of individual custom and practice this is certainly true, as it is from the liturgical perspective, as indicated by the Palestinian Talmud's insertion of the Rachem into the service. The fact that over time, Tisha B'Av came to be regarded with greater stringency overall, does not automatically grant us license to dispense with those elements of observance which were basic since its inception.

We will meet with far greater success if we pursue

another course - not to eradicate observance, but to endeavor to infuse that observance with renewed meaning. It has always been the ideal of Reform to hallow and to shape the traditions which have come down to us by injecting them with the kind of significance which is consonant with our modern sensibilities. Instead of rejecting our tradition because it does not reach out to us, let us reach out to it, striving to apprehend Tisha B'Av in light of the full historical experience of our people.

We may recall from our first chapter, the teaching of the Mishna in which are named five tragic events that befell our ancestors on the 9th of Av - it was decreed that our people would not enter the land of Canaan, both Temples were destroyed, Bethar was captured, and Jerusalem was ploughed up. With this statement in fact the Mishna opened its discourse on Tisha B'Av, setting the tone for all that follows. It is of interest to us that such a statement was made, for it indicates that from its very inception Tisha B'Av commemorated not just one tragic event in Jewish history, but several. However, these were not just random events; each one was in some fashion a blow against the national unity and identity of the Jewish people. It is perhaps for this reason that the Tannaim grouped them together, since each was decisive in the dislocation, and hence the disunification of Israel at different times in its history.

Reflecting back, we can take note of many tragic events which have had precisely the same impact - many is

the time that our communities have been suppressed, or uprooted, or simply eliminated in bloody massacres. And each time such an event took place, it was as if Jerusalem herself was tormented by the oppressor's army, as if flames were once again breaching her walls. Tannaitic sages named five tragedies which befell our ancestors on the 9th of Av, five experiences which tore at the spirit of Jewish survival; we could name fifty.

Tisha B'Av is indeed a day of mourning. We lament not only the destruction of our Temple and the subsequent exile and dispersion of our people - for us, we despair on Tisha B'Av over the breaking of the Jewish spirit wherever and whenever it has occurred. This is the teaching of our Sages, and the message with which we must seek to invest our own Tisha B'Av observance.

Yet, in Jewish tradition, wherever there is suffering there must also be comfort. Reform Judaism has of course rejected the traditional notion of a personal messiah who will appear and, as a descendent of David, announce the rebuilding of the Temple and the reinstitution of sacrifices. Nevertheless, as we have seen in our third chapter, the messianic vision did not for a moment falter. That great messianic hope which prompts us to work for a world redeemed from all suffering and hatred is perhaps the finest contribution made by our early Reform predecessors. This aspect must also be incorporated into our apprehension of the significance of Tisha B'Av.

Here, a word is in order about the extremes to which these early Reformers went in striving to demonstrate the universal nature of their Judaism. Today, in reading some of the prayers quoted in our study above in Chapter Three, we cannot help but take notice of the great pride which these men held in the ostensible fact that they were at last free citizens of an emancipated and enlightened society. This was perceived as a blessing in all respects, by virtue of which the exile itself was viewed as a positive fact of Jewish life and the Land of Israel as nothing more than a distant memory of our origins. Not even a century later, however, history negated their claims with the largest scale annihilation of Jewish citizenry ever to take place. In light of the Holocaust, many of these prayers become nothing short of ironic, when we consider how this great confidence in Jewish acceptance into the secular world was mocked by utter destruction. This experience teaches us that while the universal messianic vision is an important part of our heritage, it must not be made to overshadow our particularistic and even national concerns. Jewish survival is still not assured, nor may it ever be.

In this connection, the role of Israel has taken on a new dimension in our Tisha B'Av observance. It now comes to represent a bastion of Jewish nationalism. In terms of this fast day, we no longer look to Israel as the locale from which the personal messiah will emerge to redeem our people, but as the place where Jews congregate to create

a society in which justice and peace are pursued, where individual, national, and even universal salvation may begin to blossom as Israel becomes a "light unto the nations."

To be sure, Tisha B'Av has much significance for us today. In a sense, it symbolizes the historical struggle of the Jewish people to survive, to evolve, and to remain a united group, though geographically distant from one another. It embodies the perservance of the Jewish spirit, by which Jews throughout time have been persecuted, oppressed, and even destroyed, and yet have continued time after time to come back and assert their messianic vision even more strongly. Tisha B'Av stands in the cycle of our memories, in the calendar of our historical and religious holiday observances, as a reminder of the dialectical experience of our past - from defeat to redemption, from despair to hope.

Based upon this approach, then, we may begin to construct our model of Tisha B'Av observance. The service contained in Gates of Prayer is a very positive contribution to the totality of our experience, in that it espouses much of the doctrine which we have proposed. However, it does possess certain limitations as well. The inclusion of the Nachem in a service which is intended for morning or evening seems rather inappropriate, since this prayer is traditionally said only in the afternoon. This leads us to surmise that the framers of the service worked with the view that in most synagogues, the service would be read only once -

either in the evening or the morning. Furthermore, this prayer book, although suggesting more or less the traditional Torah reading (the first five verses are excluded from the Reform ritual), makes no provision nor suggestion for the recitation of Lamentations or of kinot. If one wished to do so, recourse to another prayer book would be the only proper means by which to recite the appropriate prayers accompanying this section of the service.

Given our revised view of Tisha B'Av, it is altogether fitting that we revive the Reform approach to observance; Tisha B'Av can once again occupy a prominent position in our holiday cycle. From the liturgical perspective, we should seek to bring back some of the traditional practices which have been discarded. For example, the book of Lamentations should be read either in whole or in part at the evening service. Megillat Eichah is, after all, one of the Chamesh Megillot which are to be read publicly at the appointed times. It contains ancient wisdom from our people's experience which speaks eloquently in many respects to our own perception of past events. It can only add to our appreciation of the depth of Israel's historical trials.

The inclusion of a kinot rubric should also be encouraged. Historically, this portion of the worship experience has provided our liturgists with the greatest of opportunities for creativity; it is the one aspect of the service which has been continually enlarged, as liturgical poets over

the centuries have made their contributions. We, too, should follow in this tradition, seizing the opportunity to introduce our own unique and creative words by selecting readings from among the vast corpus of Jewish prose and poetry that exists today. We might consider reading some of the traditional kinot, as many still speak strongly to us, in conjunction with such literature as Holocaust poetry, or war poetry from Israel, or any other pieces of this variety. In this manner, we could add still another dimension of relevance to our observance.

Liturgically, much of the work has already been done for us, since Gates of Prayer succeeds in bringing us the message of this day. As we have noted, it lacks only in completeness. Therefore, it will be up to us to contribute in those respects which will add greater depth to the worship experience, both in breadth and in spiritual guidance.

Ritually, we have farther to go. In a sense, we face much the same problem as did our Sages in tannaitic times; on the one hand work was not prohibited on Tisha B'Av but, on the other, individuals were encouraged to conduct themselves as talmidei chachamim, refraining from work on that day. Unless we make this same statement, it is very likely that Tisha B'Av will continue to be regarded as a day of virtual non-observance.

To a large degree, we can elevate Tisha B'Av to the importance it deserves by shifting the emphasis of our

observance from a day of mourning for the destruction of the Temple, to a day of positive reflection upon the historical struggle of the people Israel. This day is one of the rare opportunities available to us to engage in this particular kind of communal retrospection on a formalized basis. We recall the Talmud's dictum on study to the effect that on Tisha B'Av we occupy ourselves only with "Lamentations, Job, and the sad parts of Jeremiah." Similarly, we too should devote this time to our coming together within our communities in study of the "sad parts" of our history and literature. Specially conceived study sessions might be convened in our synagogues for this purpose on Tisha B'Av day; for out of study comes knowledge, and from knowledge springs redemption. This approach prompts us to call for the traditional fasting, which can only enhance our ritual experience. As we observed in our first chapter, this was the only truly non-negotiable point for our Rabbis of all eras and as such should be fixed in our observance as well. Other rituals which might enhance individual observance should also be encouraged. However, many of these seem somewhat foreign and uncomfortable to us today, such as sitting on the floor of our synagogue or removing our shoes, and should not therefore be required, but made available as options to those who feel they could benefit by a more stringent regimen of ritual observance.

In sum, we must endeavor to bring Tisha B'Av observance back to life within the Reform community. Its demise in

the early part of this century can be attributed in large part to the absence of an adequate philosophical rational. It is hoped that this has been provided in these pages. The possibilities for meaningful observance exist, if we are only willing to take it upon ourselves to facilitate them.

APPENDIX A: Developmental Chart of Laws & Customs.

	Mourning period	Mourning prohibitions	Overturning couches	Cutting hair & laundering	Final Meal
Mishna	gladness diminished on Rosh Hodesh	eating, drink- ing	R.Judah, req'd. Sages, did not	forbidden in wk. of 9th, except Thur. in honor of Sabbath	may not have 2 courses, meat, wine RSBG - make difference
Gemara	beginning of wk. thru Fast	anointing, shoes, inter- course, certain study	not req'd.	forbidden in wk. thru Fast	mishna true for final meal after midday; may eat salted meat & wine from vat
Tosefta	—	—	—	—	may not have 2 courses, meat, wine
Otzar ha-Geonim	beginning of wk. thru Fast	washing, anoint- ing, shoes, intercourse	—	forbidden to wear during wk. thru Fast	may not have 2 courses, meat, wine in final meal after mid- day
Halachot Gedolot	"	" + certain study	—	forbidden in wk. thru Fast, except on Th. & Fri., even to store	" + may eat salted meat & wine from vat
RIF	"	" + certain study	—	forbidden in wk. thru Fast, even to wear or store	mishna true for final meal after midday; may eat salted meat & wine from vat
RAMBAM	"	" + certain study	—	forbidden in wk. thru Fast, even to wear or store	"

APPENDIX A Con't.

	Bathing	Work	Pregnant & nursing women	Miktzat ha-yom k'kulo	9th on Fri.	9th on Sabbath
Mishna	—	permitted if local custom	—	—	fast not completed	—
Gemara	when can eat meat, permit- ted-Tan.; but permitted-Pes.	permitted if local custom, but should refrain	must fast and complete fast	—	fast completed	no fast
Tosefta	forbidden at a final meal	—	"	—	—	fast postponed until Sun.
Otzar ha-Geonim	forbidden but permitted in practice	—	"	24 hr. observance req'd.	—	no fast but refrain from meat & wine
Halachot Gedolot	permitted in cold water	agrees with Gemara	"	"	fast completed	no fast
RIF	forbidden	"	"	"	—	"
RAMBAM	forbidden	"	"	"	fast - no mention of completion or non-com- pletion	fast postponed until Sun.

APPENDIX B: Developmental Chart of the Liturgy.

	Lamentations	Kinot	Anenu	Nachem	Kedusha d'sidra	Torah & Haftarah
Mishna	—	—	—	—	—	Lev. 26:3-46
Tosefta	—	—	—	—	—	Deut. 4:25-40 or Lev. 26:14ff
B.T.	recited privately	—	recognized for fast days	—	—	Deut. 4:25-40 & Jer. 8:13-9:23
P.T.	—	—	quoted in slightly variant form	quoted in slightly variant form	—	—
Soferim	recited publically morn. or eve.	Jer. 14:19- 22 & Ps. 79 & 137	—	—	—	Lev. 26:3-46
Amram	recited publically in eve.	selichot interpolat- ed into Tefillah	in 16th ben., & between 7th & 8th in repetition	in 14th ben. of 3 services	after Lam. & Torah, minus va-ani zot beriti	Morn-Dt. 4:25- 40 & Jer 8:13ff Aft-Ex. 32:11ff & Is. 55:6ff
Saadia	recited privately	"	"	"	—	Deut. 4:25-40 & Jer. 8:13-9:23 aft. only
Ashkenazic practice	recited publically in eve.	kinot recited in morn. & eve.	in morn., after 17th in repetition, & after 17th in repetition & 16th in silent in aft.	in 14th of aft. service	in eve. minus u-vah l'tzion goel, & in morn. skip la-m'na- tzeach & va-ani zot b'riti	Morn-Dt. 4:25- 40 & Jer 8:13ff Aft-Ex. 32:11ff & Is. 55:6ff

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